

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

----- x
ERNESTO and DIANA MIRANDA, : 08 Civ 5491
Plaintiff(s) :
NOTICE OF REMOVAL
-against- :
ABEX CORPORATION, et al. :
Defendants, ::
----- x

TO: THE HONORABLE JUDGE OF UNITED STATES DISTRICT COURT:

Pursuant to Title 28 U.S.C. §§ 1442(a)(1) and 1446, Defendants THE BOEING COMPANY and THE BOEING COMPANY sued herein incorrectly as BOEING INTEGRATED DEFENSE SYSTEMS (hereinafter referred to collectively as "Boeing"), give notice of removal of an action filed against them in the Supreme Court of the State of New York, County of New York, to the United States District Court for the Southern District of New York.

INTRODUCTION

1. On or about April 1, 2008, plaintiffs commenced this lawsuit, Index No. 08-104346, against Boeing, among others, in the Supreme Court of the State of New York, New York County. (*See, Exhibit "A," Summons and Verified Complaint.*) Boeing served its verified answer on or about May 7, 2008. (*See, Exhibit "B."*)

2. The basis of this lawsuit is Plaintiffs' allegations that Ernesto Miranda's medical condition, mesothelioma, was caused by his exposure to asbestos.

3. Plaintiffs assert failure to warn claims along with strict liability and negligence claims based on various theories against Boeing and the other defendants.

4. Plaintiffs' Verified Complaint did not state the claims in a manner or in sufficient detail to inform Boeing that this matter was removable. On or about May 22, 2008 (via regular mail), the Plaintiffs served their Answers To Defendants' Fourth Amended Standard Set of Interrogatories and Request for Production. (*See, Exhibit "C"*). However, the Plaintiff's interrogatory responses were unsworn and did not provide a reliable basis upon which Boeing could intelligently ascertain removability of this matter. (*Id.; see, Negrin v. Alza Corporation*, 1999 WL 144507 (S.D.N.Y. 1999); *see also, Whitaker v. American Telecasting, Inc.*, 261 F.3d 196 (2d Cir. 2001); *Gee Broadcasting, Inc. v. Kahn Communications, Inc.*, 2007 U.S. Dist. LEXIS 29390 (E.D.N.Y. 2007); *Rios v. New York Marriott Marquis*, 2001 U.S. Dist. LEXIS 10798 (S.D.N.Y. 2001)).

5. It was not until the fourth day of the Plaintiff's sworn testimony at his deposition (on June 17, 2008), that the Plaintiff alleged exposure to asbestos contained in Boeing aircraft while enlisted in the United States Air Force. (*See, Exhibit "D," selected portions from Plaintiff Ernesto Miranda's deposition*). Specifically, Plaintiffs allege exposure to the B-52 and KC-135 aircraft. (*Id.*). This was the first reliable indicia of a basis for removal.

REMOVAL BASED UPON 28 U.S.C. § 1442(a)(1)

6. This Notice of Removal is timely as it is filed within thirty (30) days of service of the Plaintiff's unsworn interrogatory responses and Plaintiff's relevant deposition testimony. 28 U.S.C. § 1446(b). Boeing manufactured the B-52 and KC-135 for the U.S. Air

Force pursuant to contracts with and the specifications of the U.S. Air Force. In its capacity as the manufacturer of the B-52 and KC-135 for the U.S. Air Force, Boeing was acting under an officer or agency of the United States within the meaning of 28 U.S.C. § 1442(a)(1).

7. Pursuant to Section 1442(a)(1), Boeing must show that: (1) it is a “person” within the meaning of the statute, (2) there is a causal nexus between the claims and the conduct performed under the color of federal office, and (3) it has a colorable federal defense. (*See*, 28 U.S.C. § 1442(a)(1); *Mesa v. California*, 489 U.S. 121, 124 (1989); *Nesbitt v. General Elec. Co.*, 399 F. Supp. 2d 205, 209 (S.D.N.Y. 2005); *In re Agent Orange Product Liability Litigation*, 304 F. Supp.2d 442, 446 (E.D.N.Y.2004).

8. As to the first requirement above, a corporate defendant is a “person” for purposes of removal under Section 1442(a)(1). (*See*, *In re Agent Orange*, 304 F. Supp. 2d at 447). Therefore, Boeing is a “person” within the meaning of the statute.

9. Next, with respect to the Plaintiffs’ claims, had Boeing placed any asbestos-containing parts or equipment on the B-52 and KC-135, Boeing was under the direct control of the federal government and federal officers. (*See*, *Nesbitt*, 399 F. Supp.2d at 212 (U.S. Navy’s control over asbestos warnings sufficient for defendant to establish causal nexus requirement). As such, the U.S. Air Force had “[a] substantial degree of direct and detailed federal control over [Boeing’s] work.” (*In re Agent Orange*, 304 F. Supp. 2d at 447).

10. In order to demonstrate a colorable federal defense, Boeing need not show that the defense is meritorious, but only that there is a colorable claim to such a defense. (*See*, *Mesa*, 489 U.S. at 129; *In re Agent Orange*, 304 F. Supp. 2d at 448). “At the removal stage, it is not the Court’s role to assess the validity of a particular defense. The Supreme Court made it clear ... that the phrase ‘under color of . . . office’ allows removal even if, on the record then

existing, it could not be said that ‘the officers had a clearly sustainable defense.’” (*Nesbiet*, 399 F. Supp. 2d at 211 (internal citations omitted)).

11. The government contractor defense is a colorable federal law defense allowing removal to federal court. *Agent Orange*, 304 F. Supp.2d at 450. Under this defense, a contractor is immune from tort suit if: (1) the government approved the reasonably precise specifications; (2) the product conformed to those specifications; and (3) the defendant warned the government about those dangers known to it but unknown to the government. *Boyle v. United Technologies Corp.*, 487 U.S. 500 (1988).

13. The B-52 and KC-135 were built for the federal government, under the direction of the United States Air Force, and pursuant to government specifications. With regard to the composition of any component parts and materials, the B-52 and KC-135 conformed to the government’s requirements. At that time, Boeing did not have superior knowledge of any of the hazards of materials that may have been required pursuant to the Government’s requirements.

14. Because Boeing has raised a colorable claim of having acted under the color of a federal officer and has asserted a colorable federal defense for liability for alleged injuries arising from claims exposure to asbestos-containing, removal of this civil action pursuant to 28 U.S.C. § 1442(a)(1) is proper.

15. Boeing is not required to notify and obtain the consent of any other defendant in this action in order to remove Plaintiffs’ action as a whole under § 1442(a)(1). (*See, Torres v. CBS News*, 854 F. Supp. 245 (S.D.N.Y. 1994)).

Conclusion

16. Removal of this action is proper under 28 U.S.C. § 1442, because it is a civil action brought in a state court, and the federal district courts have original jurisdiction over the subject matter under 28 U.S.C. § 1442(a)(1) because Boeing was acting under an officer or agency of the United States.

THEREFORE, THE BOEING COMPANY and THE BOEING COMPANY sued herein incorrectly as BOEING INTEGRATED DEFENSE SYSTEMS, pursuant to these statutes and in conformance with the requirements set forth in 28 U.S.C. § 1446, removes this action from the Supreme Court of the State of New York, County of New York.

Dated: White Plains, New York
June 24, 2008

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
LLP

By:

Joseph A. D'Avanzo, Esq. (JD1083)
Attorneys for Defendant
THE BOEING COMPANY
THE BOEING COMPANY sued herein
incorrectly as BOEING INTEGRATED
DEFENSE SYSTEMS
3 Gannett Drive
White Plains, New York 10604
(914) 323-7000
File No. 07040.00014

TO: LEVY PHILLIPS & KONIGSBERG, L.L.P.
Patrick Timmins, Esq.
Attorneys for Plaintiffs
800 Third Avenue, 13th Floor
New York, New York 10022
(212) 605-6200

EXHIBIT A

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

-----X
ERNESTO and DIANA MIRANDA,

Plaintiffs,

- against-

ABEX CORPORATION;
f/k/a American Brake Show Company;
ALCOA, INC.,
Individually and as successor in
Interest to Fairchild Fasteners;
AMERICAN REFRACTORIES, INC.;
AMERICAN REFRACTORIES, CO.;
ANCHOR PACKING COMPANY;
ATLAS TURNER, INC.;
AVOCET ENTERPRISES, INC.;
A.W. CHESTERTON CO., INC.;
BONDEX INCORPORATED;
BOEING INTEGRATED DEFENSE SYSTEMS;
BORG WARNER CORPORATION;
CANADIAN COMMERCIAL CORPORATION;
CARRIER CORPORATION;
CFM INTERNATIONAL, INC.;
COURTER & COMPANY;
CRANE AEROSPACE & ELECTRONICS;
CRANE CO.;
CRANE PUMPS & SYSTEMS, INC.;
CRANE RESISTOFLEX AEROSPACE;
CUTLER HAMMER,
n/k/a EATON ELECTRICAL, INC.;
DANA CORPORATION;
DRESSER INDUSTRIES, INC.;
DURABLA MANUFACTURING COMPANY;
DURAMETTALIC CORPORATION;
EASTERN REFRACTORIES CORPORATION;
EATON CORPORATION;
EATON HYDRAULICS, INC.;
ENPRO INDUSTRIES, INC.
Individually and as successor in interest
to Menasco Inc.;
FAY, SPOFFARD & THORNDIKE OF NEW YORK, INC.
f/k/a Wolf & Munier, Inc.;
FOSTER WHEELER ENERGY CORP.;
GARLOCK SEALING TECHNOLOGIES, LLC;
GE AVIATION SYSTEMS LLC;
GENERAL DYNAMICS;

Index No: 08-104346
DOF: 3/25/08

SUMMONS

Plaintiff Designates
NEW YORK COUNTY
as the place of trial

The basis for venue is
Defendant's place of
business

Plaintiff resides at:
1315 Amsterdam Avenue
New York, NY 10027

NEW YORK
COUNTY CLERK'S OFFICE
MAR 25 2008
NOT COMPARED
WITH COPY FILE

GENERAL ELECTRIC CORPORATION;
GENERAL MOTORS CORPORATION;
GENERAL REFRactories CO.;
GEORGIA PACIFIC CORPORATION;

Individually and as successor in interest
to Consolidated Vultee Aircraft
Corporation;

GOODRICH CORPORATION

f/k/a B. F. Goodrich Company;

GOODYEAR TIRE & RUBBER;

GOULD PUMPS, INC.;

GRAYBAR ELECTRIC COMPANY, INC.;

GRIMES AEROSPACE COMPANY,

Individually and as successor in interest
to Midland-Ross Corporation;

HENKEL CORPORATION;

HERCULES CHEMICAL COMPANY, INC.;

HEWLETT PACKARD COMPANY;

HITCO CARBON & COMPOSITES

Individually and as successor in interest
to Hitco;

HONEYWELL INTERNATIONAL, INC.

f/k/a Allied Signal, Inc. Successor
in interest to the Bendix Corporation;

INGERSOLL-RAND COMPANY;

J.H. FRANCE REFRACTORIES, CO.;

JOHN CRANE, INC.;

KENTILE FLOORS, INC.;

LEAR SEIGLER SERVICES, INC.

Individually and as Successor in
Interest to Lear Seigler, Inc.;

LESLIE CONTROLS, INC.

f/k/a Leslie Corporation;

LOCKHEED MARTIN CORPORATION;

METROPOLITAN TRANSPORTATION AUTHORITY;

MUNACO PACKING & RUBBER CO.;

NASCO AIR BRAKES, INC.;

NORTHROP GRUMAN CORPORATION;

OLD ORCHARD INDUSTRIAL CORPORATION

Individually and as successor to Vapor Corporation;

PARKER AEROSPACE;

PARKER HANNIFIN CORPORATION;

PNEUMO ABEX CORPORATION

Individually and as Successor in interest to
Abex Corporation f/k/a American Brake Shoe;

PRATT & WHITNEY;

RAILROAD FRICTION PRODUCTS CORP.;
RHEACO, INC.;

ROBERT A. KEASBEY CO.;

ROLLS ROYCE CORPORATION,

Individually and as successor in interest to Allison
Engine Company, Inc.;

SEQUOIA VENTURES, INC.

f/k/a BECHTEL CORPORATION;

THE BOEING COMPANY,

Individually and as successor in interest to
McDonnell Douglas;

THE FAIRCHILD CORPORATION;

TREADWELL CORPORATION;

TRIAD INTERNATIONAL MAINTENANCE CORPORATION

Individually and as successor in interest to Aero Corporation;

UNISYS CORPORATION;

UNITED TECHNOLOGIES CORPORATION,

Individually and as Successor in Interest to
United Aircraft Corporation United
Technologies Building;

WAYNE WIRE CLOTH PRODUCTS, INC.;

WESTINGHOUSE AIR BRAKE CO.;

3 M COMPANY

f/k/a Minnesota Mining & Manufacturing;

X

TO THE ABOVE NAMED DEFENDANTS:

You are hereby summoned to answer in this action and to serve a copy of your answer, or, if the complaint is not served with this summons, to serve a notice of appearance, on the Plaintiff's Attorney(s) within 20 days after the service of this summons, exclusive of the day of service (or within 30 days after the service is complete if this summons is not personally delivered to you within the State of New York); and in case of your failure to appear or answer, judgment will be taken against you by default for the relief demanded in the complaint.

Dated: New York, New York
March 21, 2008

LEVY PHILLIPS & KONIGSBERG, L.L.P.
Attorneys for Plaintiffs



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DEFENDANTS ADDRESSES:

Via CPLR §312

ALCOA, INC.,
Individually and as successor in interest
to Fairchild Fastners
c/o Corporate Service Co.
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ANCHOR PACKING COMPANY
120 East Avenue, Suite 101
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CT corporation System
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New York, NY 10011

EATON HYDRAULICS, INC.;
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New York, NY 10011

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Munier, Inc.**
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Corporation
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GE AVIATION SYSTEMS LLC
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Managing Attorney
Electric Insurance Company
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KENTILE FLOORS, INC.
c/o Sandy Gropper
Insurance Claims Administrator
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New York, NY 10016

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PNEUMO ABEX CORPORATION
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c/o The Prentice Hall Corp. System Inc.
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East Hartford, CT 06108-0968

RAILROAD FRICTION PRODUCTS CORP.
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&
c/o The Trust Corporation Company
Corporation Trust Center
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Wilmington, DE 19801

RHEACO, INC.
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Corporate/Service Address:
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ROLLS ROYCE CORPORATION,
Individually and as successor in interest
to Allison Engine Company, Inc.;
c/o CT Corporation Service Company
80 State Street
Albany, NY 12207

THE BOEING COMPANY
Individually and as successor in interest
to McDonnell Douglas
c/o Corporation Service System
80 State Street
Albany, NY 11207-2543

THE FAIRCHILD CORPORATION
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McLean, VA 11102

TREADWELL CORPORATION
c/o Chuck McGivney, Esq.
McGIVNEY & KLUGER, P.C.
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TRIAD INTERNATIONAL
MAINTENANCE CORPORATION
individually and as successor in interest
to Aero Corporation
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Blue Bell, PA 19424-0001

UNITED TECHNOLOGIES
CORPORATION, Individually and as
successor in interest to United Aircraft
Corporation
United Technologies Building
Hartford, CT 06101

WAYNE WIRE CLOTH PRODUCTS,
INC.
200 E. Dresden Street NE
Kalkaska, MI 49646

Personally Served:

METROPOLITAN TRANSPORTATION
AUTHORITY
347 Madison Avenue
New York, New York 10017

SECRETARY OF STATE BCL 306/307

ABEX CORPORATION
f/k/a American Brake Shoe Company;
AMERICAN REFRACTORIES, INC.;
BONDEX INCORPORATED;
CARRIER CORPORATION;
CUTLER HAMMER;
n/k/a EATON ELECTRICAL, INC.;
DRESSER INDUSTRIES, INC.;
GOODRICH CORPORATION
f/k/a B.F. Goodrich Company;
GOODYEAR TIRE & RUBBER;
GOULDS PUMPS INCORPORATED
HONEYWELL INTERNATIONAL, INC.
f/k/a Alliedsignal, Inc., as successor-in-interest to
The Bendix Corporation;
SEQUOIA VENTURES, INC.
f/k/a BECHTEL CORPORATION
WESTINGHOUSE AIR BRAKE CO.; and
3M COMPANY f/k/a MINNESOTA MINING &
MANUFACTURING CO.

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK ----- X
ERNESTO and DIANA MIRANDA,

Plaintiff,

Index No: 08-104346
DOF: 3/05/08

- against-

ABEX CORPORATION
f/k/a American Brake Shoe Company;
ALCOA, INC.,
Individually and as successor in
Interest to Fairchild Fasteners;
AMERICAN REFRactories, INC.;
AMERICAN REFRactories, CO.;
ANCHOR PACKING COMPANY;
ATLAS TURNER;
AVOCET ENTERPRISES, INC.;
A.W. CHESTERTON CO., INC.;
BONDEX INCORPORATED;
BOEING INTEGRATED DEFENSE SYSTEMS;
BORG WARNER CORPORATION;
CANADIAN COMMERCIAL CORPORATION;
CARRIER CORPORATION;
CFM INTERNATIONAL, INC.;
COURTER & COMPANY;
CRANE AEROSPACE & ELECTRONICS;
CRANE CO.;
CRANE PUMPS & SYSTEMS, INC.;
CRANE RESISTOFLEX AEROSPACE;
CUTLER HAMMER,
n/k/a EATON ELECTRICAL, INC.;
DANA CORPORATION;
DRESSER INDUSTRIES, INC.;
DURABLA MANUFACTURING COMPANY;
DURAMETTALIC CORPORATION;
EATON CORPORATION;
EATON HYDRAULICS, INC.;
EASTERN REFRactories CORPORATION;
ENPRO INDUSTRIES, INC.

COMPLAINT

Individually and as successor in interest
to Menasco Inc.;
FAY, SPOFFARD & THORNDIKE OF NEW YORK, INC.
f/k/a Wolf & Munier, Inc.;
FOSTER WHEELER ENERGY CORP.;
GE AVIATION SYSTEMS LLC;
GARLOCK SEALING TECHNOLOGIES, LLC;
GENERAL DYNAMICS;
GENERAL ELECTRIC CORPORATION;

GENERAL MOTORS CORPORATION;
GENERAL REFRACTORIES CO.;
GEORGIA PACIFIC CORPORATION;
Individually and as successor in interest
to Consolidated Vultee Aircraft
Corporation;
GOODRICH CORPORATION
f/k/a B. F. Goodrich Company;
GOODYEAR TIRE & RUBBER;
GOULD PUMPS, INC.;
GRAYBAR ELECTRIC COMPANY, INC.;
GRIMES AEROSPACE COMPANY,
Individually and as successor in interest
to Midland-Ross Corporation;
HENKEL CORPORATION;
HERCULES CHEMICAL COMPANY, INC.;
HEWLETT PACKARD COMPANY;
HITCO CARBON & COMPOSITES
Individually and as successor in interest
to Hitco;
HONEYWELL INTERNATIONAL, INC.
f/k/a Allied Signal, Inc. Successor
in interest to the Bendix Corporation;
INGERSOLL-RAND COMPANY;
J.H. FRANCE REFRACTORIES, CO.;
JOHN CRANE, INC.;
KENTILE FLOORS, INC.;
LEAR SEIGLER SERVICES, INC.
Individually and as Successor in
Interest to Lear Seigler, Inc.;
LESLIE CONTROLS, INC.
f/k/a Leslie Corporation;
LOCKHEED MARTIN CORPORATION;
METROPOLITAN TRANSPORTATION AUTHORITY;
MUNACO PACKING & RUBBER CO.;
NASCO AIR BRAKES, INC.;
NORTHROP GRUMAN CORPORATION;
OLD ORCHARD INDUSTRIAL CORPORATION
Individually and as successor to Vapor Corporation;
PARKER AEROSPACE;
PARKER HANNIFIN CORPORATION;
PNEUMO ABEX CORPORATION
Individually and as Successor in interest to
Abex Corporation f/k/a American Brake Shoe;
PRATT & WHITNEY;
RAILROAD FRICTION PRODUCTS CORP.;
RHEACO, INC.;
ROBERT A. KEASBEY CO.;
ROLLS ROYCE CORPORATION,
Individually and as successor in interest to

Allison Engine Company, Inc.;
SEQUOIA VENTURES, INC.
f/k/a BECHTEL CORPORATION;
THE BOEING COMPANY,
Individually and as successor in interest to
McDonnell Douglas;
THE FAIRCHILD CORPORATION;
TREADWELL CORPORATION;
TRIAD INTERNATIONAL MAINTENANCE CORPORATION
Individually and as successor in interest to Aero Corporation;
UNISYS CORPORATION;
UNITED TECHNOLOGIES CORPORATION,
Individually and as Successor in Interest to
United Aircraft Corporation United
Technologies Building;
WAYNE WIRE CLOTH PRODUCTS, INC.;
WESTINGHOUSE AIR BRAKE CO.;
3 M COMPANY
f/k/a Minnesota Mining & Manufacturing;

X

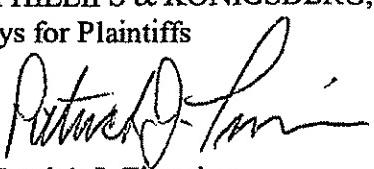
TO THE ABOVE NAMED DEFENDANTS:

Plaintiffs, by their attorneys, LEVY PHILLIPS & KONIGSBERG, LLP, for their Complaint, respectfully alleges as follows:

1. Plaintiff repeats and re-alleges New York Asbestos Litigation Standard Complaint No. 1 as if fully incorporated herein.
2. Plaintiff is a citizen of the State of New York.
3. Plaintiff, Ernesto Miranda, has been diagnosed with mesothelioma and meets the minimum requirement for activation into the active docket pursuant to the Case Management Order governing these actions.

Dated: New York, New York
March 21, 2008

LEVY PHILLIPS & KONIGSBERG, L.L.P.
Attorneys for Plaintiffs

By: 
Patrick J. Timmins
800 Third Avenue - 13th Floor
New York, New York 10022
(212) 605-6200



Continuum Cancer Centers of New York

Division of Thoracic Surgery
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1000 Tenth Avenue, Suite 2B-07
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Tel: 212 523 7475
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Division of Thoracic Surgery

Cliff P. Connery, M.D., Chief

December 19, 2007

Gary Burke, M.D.
 1090 Amsterdam Avenue
 New York, NY 10025

Re: Miranda, Ernesto

Ernesto Miranda had presented with a massive bloody pleural effusion and on evaluation after ultimately undergoing a right thoracoscopy drainage and biopsy, was found to have epithelioid mesothelioma. This mesothelioma appears to be relatively localized and given his age of 56, and good performance status a consideration should be given to undergoing extra-pleural pneumectomy or extended resection and multimodality treatment.

This is a formidable procedure and given the relative rarity of the disease, the experience has been concentrated in just a few centers of excellence. It has been our experience and that of many others that treatment should be delivered surgically by physicians who have dedicated a significant portion of their time, energies, and interest to this disease. We therefore have recommended that Mr. Miranda see Dr. Raja Flores, Thoracic Surgeon at Memorial Sloan-Kettering who has a significant interest and experience in treating patients with this disease.

Dr. Flores has agreed to see Mr. Miranda, and I am confident that Mr. Miranda will have the benefit of his wealth of experience and expertise in this disorder to help choose the best combination of therapies including extra-pleural pneumectomy should that be necessary.

Please advise me if I can be of further assistance in this matter.

Thank you again,

Sincerely,

Cliff P. Connery, M.D.

Continuum Health Partners, Inc.



University Hospital and
 Manhattan Campus for
 the Albert Einstein College
 of Medicine



University Hospital of
 Columbia University College
 of Physicians & Surgeons



University Hospital of
 Columbia University College
 of Physicians & Surgeons



Primary Clinical Teaching
 Affiliate of SUNY—
 Health Science Center
 at Brooklyn



Affiliated Teaching
 Hospital of New York
 Medical College

COPY

Roosevelt Hospital
Operative Report

Patient: MIRANDA, Ernesto MRN: 100004572269 Operation Date: 12/06/2007
DOB: 01/21/1951 Age: 56 Sex: M PRISM Serial#: 1105833629

DATE OF OPERATION: 12/06/2007

PREOPERATIVE DIAGNOSIS: RIGHT PLEURAL EFFUSION AND DYSPNEA

POSTOPERATIVE DIAGNOSIS: MALIGNANT RIGHT PLEURAL EFFUSION

OPERATION: FLEXIBLE FIBEROPTIC BRONCHOSCOPY
AND RIGHT THORACOSCOPY DRAINAGE,
EFFUSION, PLEURAL BIOPSY, AND TALC
PLEURODESIS, INTERCOSTAL NERVE
BLOCK

SURGEON: Cliff Connery, M.D.

ASSISTANT: Dr. Iranmanesh

ANESTHESIA: GENERAL

FINDINGS:

Flexible bronchoscopy. There was no proximal right-sided endobronchial lesion. There was extensive compression of the right middle lobe bronchus. There was some edema in the right upper lobe bronchus. On thoracoscopy, there was more than 2400 mL of grossly bloody pleural effusion. The lung was compliant. There was induration in the lower lobe. There was some yellowish discoloration on the right lower lobe and some possible micronodularity and induration. In the parietal pleura, there was small micronodular areas, in addition there was a 3 x 3 cm fleshy parietal pleural lesion was also necrotic. Multiple biopsies of the parietal pleural were obtained. That was consistent with non-small cell carcinoma. Therefore since the lung was compliant, we proceeded with a talc pleurodesis and intercostal nerve blocks.

PROCEDURE:

The patient was brought to the operating room and placed in the supine position. He was intubated with double-lumen tube. He underwent flexible fiberoptic bronchoscopy with results as much before. There was extensive compression, but no proximal endobronchial lesion. The double-lumen tube was then positioned properly and then patient was turned in lateral decubitus position with the right side up, properly padded and positioned, steriley prepared and draped. Thoracostomy was made in the midaxillary line inferiorly just the anterior to the iliac

COPY

Roosevelt Hospital
Operative Report

Patient: MIRANDA, Ernesto MRN:100004572269 Operation Date:12/06/2007
DOB:01/21/1951 Age:56 Sex:M PRISM Serial#:1105833629
spine. Grossly bloody fluid was drained. We then placed 10-mm working thoracoscope within and inspected the pleural with the results as mentioned before. We then utilized the suction component on that scope and drained more of the bloody effusion and then uncovered a larger fleshy lesion on the parietal pleural and get multiple biopsies of that. The results are mentioned before.

Then with test inflation showing that the lung was compliant, we then proceeded to evacuate the rest of the blood and then perform an aerosolized talc pleurodesis with 4 g of talc that was insufflated into the right chest with good distribution.

A 32-French channel drain was then placed within to make it cephalad, secured with silk and used Prolene. The hemostasis was assured. Prior to this, the wound was dressed. The procedure was concluded and then the chest tube was clamped therefore the lung was re-expanded.

Blood loss was just about 5 mL. Replaced none. Fluid was crystalloid.

D: 12/06/2007,14:07
T: 12/07/2007,10:15
JOB#: 4397692

Legal Signer: CLIFF CONNERY
Electronically Signed:

AT

ID#: 101075



CERTIFIED MAIL



70003 1680 0005 3416 3128

Law Offices

LEVY PHILLIPS & KONIGSBERG, LLP
800 THIRD AVENUE
NEW YORK, NEW YORK 10022

The Boeing Company
c/o Corporation Services Company
P.O. Box 526036
Sacramento, CA 95852-6036

EXHIBIT B

SUPREME COURT OF THE STATE OF NEW YORK
COUNTY OF NEW YORK

ERNESTO and DIANA MIRANDA,	:	X
Plaintiff(s)	:	Index No: 104346/08
-against-	:	VERIFIED ANSWER OF THE BOEING COMPANY
ABEX CORPORATION f/k/a American Brake	:	
Show Company;	:	
ALCOA, INC., Individually and as successor in Interest	:	
to Fairchild Fasteners;	:	
AMERICAN REFRACTORIES, INC.;	:	
AMERICAN REFRACTORIES, CO.;	:	
ANCHOR PACKING COMPANY;	:	
ATLAS TURNER, INC.;	:	
AVOCET ENTERPRISES, INC.;	:	
A.W. CHESTERTON CO., INC.;	:	
BONDEX INCORPORATED;	:	
BOEING INTEGRATED DEFENSE SYSTEMS;	:	
BORG WARNER CORPORATION;	:	
CANADIAN COMMERCIAL CORPORATION;	:	
CARRIER CORPORATION;	:	
CFM INTERNATIONAL, INC.;	:	
COURTER & COMPANY;	:	
CRANE AEROSPACE & ELECTRONICS;	:	
CRANE CO.;	:	
CRANE PUMPS & SYSTEMS, INC.;	:	
CRANE RESISTOFLEX AEROSPACE;	:	
CUTLER HAMMER n/k/a Eaton Electrical, Inc.;	:	
DANA CORPORATION;	:	
DRESSER INDUSTRIES, INC.;	:	
DURABLA MANUFACTURING COMPANY;	:	
DURAMETTALIC CORPORATION;	:	
EASTERN REFRACTORIES CORPORATION;	:	
EATON CORPORATION;	:	
EATON HYDRAULICS, INC.;	:	
ENPRO INDUSTRIES, INC., Individually and as Successor in interest to Menasco Inc.;	:	
FAY, SPOFFARD & THORNDIKE OF NEW YORK, INC. f/k/a Wolf & Munier, Inc.;	:	
FOSTER WHEELER ENERGY CORP.;	:	
GARLOCK SEALING TECHNOLOGIES, LLC.;	:	
GE AVIATION SYSTEMS LLC;	:	
GENERAL DYNAMICS;	:	
GENERAL ELECTRIC CORPORATION;	:	

GENERAL MOTORS CORPORATION;	:
GENERAL REFRACTORIES CO.;	:
GEORGIA PACIFIC CORPORATION Individually and as successor in interest to Consolidated Vultee Aircraft Corporation;	:
GOODRICH CORPORATION f/k/a B.F. Goodrich Company;	:
GOODYEAR TIRE & RUBBER;	:
GOULD PUMPS, INC.;	:
GRAYBAR ELECTRIC COMPANY, INC.;	:
GRIMES AEROSPACE COMPANY, Individually and as successor in interest to Midland-Ross Corporation,	:
HENKEL CORPORATION;	:
HERCULES CHEMICAL COMPANY, INC.;	:
HEWLETT PACKARD COMPANY;	:
HITCO CARBON & COMPOSITES Individually and as successor in interest to Hitco;	:
HONEYWELL INTERNATIONAL, INC. f/k/a Allied Signal, Inc. Successor in Interest to the Bendix Corporation;	:
INGERSOLL-RAND COMPANY;	:
J.H. FRANCE REFRACTORIES, CO.;	:
JOHN CRANE, INC.;	:
KENTILE FLOORS, INC.;	:
LEAR SEIGLER SERVICES, INC. Individually and as successor in Interest to Lear Seigler, Inc.;	:
LESLIE CONTROLS, INC. f/k/a Leslie Corporation;	:
LOCKHEED MARTIN CORPORATION;	:
METROPOLITAN TRANSPORTATION AUTHORITY;	:
MUNACO PACKING & RUBBER CO.;	:
NASCO AIR BRAKES, INC.;	:
NORTHROP GRUMAN CORPORATION;	:
OLD ORCHARD INDUSTRIAL CORPORATION, Individually and as successor to Vapor Corporation;	:
PARKER AEROSPACE;	:
PARKER HANNIFIN CORPORATION;	:
PNEUMO ABEX CORPORATION, Individually and as Successor in interest to Abex Corporation f/k/a American Brake Shoe;	:
PRATT & WHITNEY;	:
RAILROAD FRICTION PRODUCTS CORP.;	:
RHEACO, INC.;	:
ROBERT A. KEASBEY CO.;	:
ROLLS ROYCE CORPORATION, Individually and as successor in interest to Allison Engine Company, Inc.;	:

SEQUOIA VENTURES, INC.	:
f/k/a Bechtel Corporation;	:
THE BOEING COMPANY,	:
Individually and as successor in interest to	:
McDonnell Douglas;	:
THE FAIRCHILD CORPORATION;	:
TREADWELL CORPORATION;	:
TRIAD INTERNATIONAL MAINTENANCE	:
CORPORATION, Individually and as successor in	:
Interest to Aero Corporation;	:
UNISYS CORPORATION;	:
UNITED TECHNOLOGIES CORPORATION,	:
Individually and as Successor in Interest to United	:
Aircraft Corporation United Technologies Building;	:
WAYNE WIRE CLOTH PRODUCTS, INC.;	:
WESTINGHOUSE AIR BRAKE CO.;	:
3M COMPANY ,	:
f/k/a Minnesota Mining & Manufacturing;	:
Defendants,	:
	:
	X

THE BOEING COMPANY, and THE BOEING COMPANY sued herein incorrectly as BOEING INTEGRATED DEFENSE SYSTEMS ("THE BOEING COMPANY" or "defendant"), by its attorneys WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER LLP, as and for its verified answer to the Plaintiffs' Complaint and the New York Asbestos Litigation Standard Complaint No.1 as incorporated by reference therein, sets forth, upon information and belief, as follows:

1. Denies each and every material allegation in the complaint as it pertains to THE BOEING COMPANY and refers all questions of fact and law to the trier of the fact and this Honorable Court.

2. Denies knowledge and information sufficient to form a belief with respect to the truth of all other allegations contained in the complaint, and refers all questions of fact and law to the trier of fact and this Honorable Court.

**AS AND FOR A FIRST
AFFIRMATIVE DEFENSE**

3. Some or all of plaintiffs' claims are time-barred by the applicable Statutes of Limitations.

**AS AND FOR A SECOND
AFFIRMATIVE DEFENSE**

4. The causes of action pleaded in the complaint have not been maintained in a timely fashion; plaintiffs have neglected same, and should be barred by the doctrine of laches.

**AS AND FOR A THIRD
AFFIRMATIVE DEFENSE**

5. The complaint and each and every allegation considered separately, fails to state any cause of action against the answering defendant upon which relief can be granted.

**AS AND FOR A FOURTH
AFFIRMATIVE DEFENSE**

6. Insofar as the complaint, and each cause of action considered separately, alleges a cause of action accruing on or after September 1, 1975 to recover damages for personal injuries, the amount of damages recoverable thereon must be diminished by reason of the culpable conduct attributable to the plaintiffs, including contributory negligence and

assumption of risk, in the proportion which the culpable conduct attributable to the plaintiffs bears on the culpable conduct which caused the damages.

**AS AND FOR A FIFTH
AFFIRMATIVE DEFENSE**

7. Insofar as the complaint, and each cause of action considered separately, alleges a cause of action accruing before September 1, 1975, each such cause of action is barred by reason of the culpable conduct attributable to the plaintiffs, including contributory negligence and assumption of the risk.

**AS AND FOR A SIXTH
AFFIRMATIVE DEFENSE**

8. If the plaintiffs should prove that they sustained injuries and damages as alleged, then such damages resulted from acts or omissions on the part of the third parties over whom this answering defendant had no control or right of control.

**AS AND FOR A SEVENTH
AFFIRMATIVE DEFENSE**

9. At all times during the conduct of its corporate operations, the agents, servants and/or employees of this answering defendant used proper methods with respect to its products in conformity with the available knowledge, state of the art and research of the scientific and industrial communities.

**AS AND FOR AN EIGHTH
AFFIRMATIVE DEFENSE**

10. Plaintiffs, plaintiffs' co-workers and/or employers misused, abused, mistreated and misapplied the product designated as asbestos containing material as alleged in the complaint.

11. If the Court finds that any misuse, abuse, mistreatment and/or misapplication of the product caused and/or contributed to the alleged damages or injuries to the plaintiffs, then this answering defendant requests that the amount of damages which might be recoverable be diminished by the proportion which the same misuse, abuse, mistreatment and/or misapplication, attributed to the plaintiffs, plaintiffs' co-workers and/or employers bear to the conduct which caused the alleged damages or injuries.

**AS AND FOR A NINTH
AFFIRMATIVE DEFENSE**

12. Any oral warranties upon which plaintiffs relied are inadmissible and unavailable because of the provisions of the applicable Statute of Frauds, or other applicable rules of evidence.

**AS AND FOR A TENTH
AFFIRMATIVE DEFENSE**

13. As to all causes of action pleaded in the complaint which are based upon express or implied warranties and/or representations, the alleged breaches thereof as against this answering defendant are legally insufficient by reason of their failure to allege privity of contract between the plaintiffs and this answering defendant.

**AS AND FOR AN ELEVENTH
AFFIRMATIVE DEFENSE**

14. Plaintiffs did not directly or indirectly purchase any asbestos-containing products or materials from this answering defendant, and plaintiffs neither received nor relied on any representation or warranty allegedly made by this answering defendant.

**AS AND FOR A TWELFTH
AFFIRMATIVE DEFENSE**

15. In the event that any breach of warranty is proven, plaintiffs failed to give proper and prompt notice of any such breach of warranty to this answering defendant.

**AS AND FOR A THIRTEENTH
AFFIRMATIVE DEFENSE**

16. To the extent that the causes of action pleaded by plaintiffs fail to accord with the Uniform Commercial Code, including but not limited to Section 2-725 thereof, the plaintiffs' causes of action are time-barred.

**AS AND FOR A FOURTEENTH
AFFIRMATIVE DEFENSE**

17. Upon information and belief, plaintiffs failed to mitigate or otherwise act to lessen or reduce the injuries and disabilities alleged in the complaint.

**AS AND FOR A FIFTEENTH
AFFIRMATIVE DEFENSE**

18. To the extent that plaintiffs seek punitive damages against this answering defendant, these damages are improper, unwarranted, not authorized by law and are unconstitutional in the context of this litigation. Subjecting the defendant to multiple trials and multiple impositions of punitive damages for the same course of conduct is a violation of both substantive and procedural due process under the United States Constitution and the

Constitution of the State of New York. Punitive damages are a violation of due process. The standard for the award of punitive damages is constitutionally void for vagueness. Lack of limitation on possible multiple impositions of punitive damage awards for the same alleged course of conduct is unconstitutional.

**AS AND FOR A SIXTEENTH
AFFIRMATIVE DEFENSE**

19. Plaintiffs are estopped from asserting the causes of action alleged in the complaint.

**AS AND FOR A SEVENTEENTH
AFFIRMATIVE DEFENSE**

20. Plaintiffs have waived the causes of action and recovery alleged in the complaint.

**AS AND FOR AN EIGHTEENTH
AFFIRMATIVE DEFENSE**

21. Plaintiffs have failed to name and join essential and necessary parties.

**AS AND FOR A NINETEENTH
AFFIRMATIVE DEFENSE**

22. Plaintiffs lack requisite capacity, standing and authority to bring the within action, as plaintiffs are not a real party in interest.

**AS AND FOR A TWENTIETH
AFFIRMATIVE DEFENSE**

23. The defendant answering herein incorporates by reference, as if more fully set forth at length herein, all defenses, both affirmative and otherwise, raised, pleaded or asserted by all other answering defendants and third party defendants.

**AS AND FOR A TWENTY-FIRST
AFFIRMATIVE DEFENSE**

24. The injuries allegedly suffered by the plaintiffs, if any (which injuries are specifically denied by the answering defendant), were the result of culpable conduct or fault of third persons for whose conduct this answering defendant is not legally responsible, and the damages recovered by the plaintiffs, if any, should be diminished or reduced in the proportion to which said culpable conduct bears upon the culpable conduct which caused the damages. Any liability on the part of this answering defendant (which liability is vigorously and specifically denied) is fifty percent or less of the liability of all persons who are the cause of the alleged injuries, if any, and the liability of this answering defendant for non-economic loss does not exceed this answering defendant's equitable share determined in accordance with the relative culpability of each person causing or contributing to the total liability for non-economic loss pursuant to CPLR sections 1601 through 1603.

**AS AND FOR A TWENTY-SECOND
AFFIRMATIVE DEFENSE**

25. This cause of action may not be maintained because of arbitration and award, collateral estoppel, a discharge in bankruptcy, infancy (or some other disability) of the plaintiff(s), payment, release and/or res judicata.

**AS AND FOR A TWENTY-THIRD
AFFIRMATIVE DEFENSE**

26. That this answering defendant is immune from suit against it on the ground that at the times and places alleged in the complaint this answering defendant was acting as a government defense contractor in accordance with directions and specifications provided by the United States government and, therefore, the plaintiffs' causes of action are barred.

**AS AND FOR A TWENTY-FOURTH
AFFIRMATIVE DEFENSE**

27. In the event that any person or entity liable or claimed to be liable for the injury alleged in this action has been given or may thereafter be given a release or a covenant not to sue, the answering defendant will be entitled to protection and the corresponding reduction of any damages which may be determined to be due against the answering defendant pursuant to New York G.O.L. §15-108.

**AS AND FOR A TWENTY-FIFTH
AFFIRMATIVE DEFENSE**

28. Some or all of plaintiffs' claims are preempted by federal statutes or regulations.

**AS AND FOR A TWENTY-SIXTH
AFFIRMATIVE DEFENSE**

29. Upon information and belief, that pursuant to New York Civil Practice Law and Rules § 4545, if the Court finds that any costs of medical care, dental care, custodial care or rehabilitation services, loss of earnings or other economic loss which the plaintiffs may have incurred were replaced or indemnified in whole or in part from any collateral source, then the Court shall reduce the amount of any award to the plaintiffs by the amount of said

reimbursement minus the premiums, if any, paid by the plaintiffs or anyone on their behalf for such benefits for the applicable period immediately preceding the accrual of this lawsuit.

**AS AND FOR A TWENTY-SEVENTH
AFFIRMATIVE DEFENSE**

30. Plaintiffs and his/her employers were sophisticated users of products containing asbestos and had adequate knowledge of the dangers and risks associated with using or working around asbestos.

**AS AND FOR A TWENTY-EIGHTH
AFFIRMATIVE DEFENSE**

31. Plaintiffs' claims may be governed by the law of a jurisdiction other than New York State.

**AS AND FOR A CROSS-CLAIM AGAINST
EACH AND EVERY CO-DEFENDANT,
THE DEFENDANT, THE BOEING COMPANY,
ALLEGES UPON INFORMATION AND BELIEF AS FOLLOWS:**

32. That if the plaintiffs sustained the injuries and damages in the manner and at the time and place alleged, and if it is found that the answering defendant is liable to plaintiffs herein, all of which is specifically denied, then said answering defendant on the basis of contract, either expressed or implied by law and/or by apportionment of responsibility for the alleged occurrence, is entitled to contractual and/or common law indemnification or contribution from any judgment over and against some or all of the co-defendants in this action for all or part of any verdict or judgment that plaintiffs may recover against said answering defendant.

33. In addition to the foregoing, said answering defendant has been and will be put to costs and expenses, including attorney's fees for the defense of this action and, therefore,

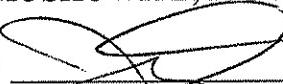
the answering defendant is entitled to reimbursement from some or all of the co-defendants for some or all of said costs, expenses and fees.

WHEREFORE, the Defendant, THE BOEING COMPANY, demands judgment dismissing Plaintiffs' complaints and co-defendants' cross-claims in their entirety, with costs and disbursements, and in the event of any judgment over and against this answering defendant, demands judgment based on contribution and/or indemnity in accordance with the principles of fault and apportionment, along with costs and disbursements, including reasonable attorneys fees.

Dated: White Plains, New York
May 6, 2008

Yours, etc.

WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER
LLP

By: 

Joseph A. D'Avanzo, Esq.

Attorneys for Defendant

THE BOEING COMPANY

*THE BOEING COMPANY sued herein
incorrectly as BOEING INTEGRATED
DEFENSE SYSTEMS*

3 Gannett Drive

White Plains, New York 10604

(914) 323-7000

File No. 07040.00014

To: LEVY PHILLIPS & KONIGSBERG, L.L.P.
Attorneys for Plaintiffs
800 Third Avenue, 13th Floor
New York, New York 10022
(212) 605-6200

All Defendants (see attached Rider for service list)

Rider

DEFENDANTS/COUNSEL	PHONE/FAX #	SERVICE
LEVY PHILLIPS & KONIGSBERG, L.L.P. Patrick J. Timmins, Esq. Attorneys for Plaintiffs ERNESTO and DIANA MIRANDA	Tel: (212) 605-6200 Fax: (212) 605-6290	800 Third Avenue, 13 th Floor New York, NY 10022
ABEX CORPORATION f/k/a American Brake Show Company		
ALCOA, INC. Individually and as successor in interest to Fairchild Fastners		c/o Corporate Service Co. 80 State Street Albany, NY 12207-2543
AMERICAN REFRACTORIES, CO.		1250 Clarion Street Reading, PA 190601
ANCHOR PACKING COMPANY		120 East Avenue, Suite 101 Rochester, NY 14604-7356
ATLAS TURNER, INC.		854 Blvd., Oullet West Thetford Mines, Quebec G6G785
AVOCET ENTERPRISES, INC.		c/o SCN & R Registered Agent, Inc. 8000 Sears Tower Chicago, IL 60606
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER Julie Evans, Esq. Attorneys for Defendant A.W. CHESTERTON CO., INC.	Tel: (212) 490-3000 Fax: (212) 490-3038 julie.evans@wilsonelser.com	150 East 42 nd Street New York, NY 10017
BOEING INTEGRATED DEFENSE SYSTEMS		2201 Seal Beach Boulevard Seal Beach, CA 90740-5603
BONDEX INCORPORATED		
BORG WARNER CORPORATION		3850 Hamlin Road Auburn Hills, MI 48326
CANADIAN COMMERCIAL CORP.		50 O'Connor Street, 11 th Floor Ottawa, Ontario K 1A0S6

DEFENDANTS/COUNSEL	PHONE/FAX #	SERVICE
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McGIVNEY & KLUGER, INC. Richard Leff, Esq. Attorneys for Defendant COURTER & COMPANY, INC.	Tel: (212) 509-3456 Fax: (212) 509-4420	80 Broad Street, 23 rd Floor New York, NY 10004
CRANE AEROSPACE & ELECTRONICS KELTEC OPERATION		84 Avenue NW Fort Walton Beach, FL 32254-3858
CRANE CO.		c/o CT Corporation System 111 Eighth Avenue New York, NY 10011
CRANE PUMPS & SYSTEMS, INC.		420 3 rd Street Piqua, OH 45356-3918
CRANE RESISTOFLEX AEROSPACE		2575 W. 5 th Street Jacksonville, FL 32254-2066
CUTLER HAMMER n/k/a EATON ELECTRICAL, INC.		
DANA CORPORATION		P.O. Box 1000 Toledo, OH 43697-1000
DRESSER INDUSTRIES, INC.		
DURABLA MANUFACTURING COMPANY		790 E. Market St., #235 West Chester, PA 19382
DURAMETALLIC CORPORATION		5215 N. O'Connor Blvd., Suite 2300 Irving, TX 75039
McMAHON MARTINE & GALLAGHER Laura B. Hollman, Esq. Attorneys for Defendant EASTERN REFRACTORIES CORPORATION	Tel: (212) 747-1230 Fax: (212) 747-1239	90 Broad Street, 14 th Floor New York, NY 10004

DEFENDANTS/COUNSEL	PHONE/FAX #	SERVICE
ENPRO INDUSTRIES, INC. Individually and as Successor to Menasco Inc. c/o CT Corporation Systems		225 Hillborough Street Raleigh, NC 27603
EATON CORPORATION		CT Corporation System 111 8 th Avenue New York, NY 10011
EATON HYDRAULICS, INC.		111 8 th Avenue New York, NY 10011
FAY SPOFFARD & THORNDIKE OF NEW YORK, INC. f/k/a Wolff & Munier, Inc.		111 John St., Suite 245 New York, NY 10035
FOSTER WHEELER ENERGY CORP.		Perryville Corporate Park P.O. Box 4000 Clinton, NJ 08809
GARLOCK, INC.		c/o CT Corp. 111 Righth Avenue New York, NY 10011
WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER Julie Evans, Esq. Attorneys for Defendant GENERAL DYNAMICS		150 East 42 nd Street New York, NY 10017
GE AVIATION SYSTEMS LLC		c/o Corporation System 111 8 th Avenue New York, NY 10011
GENERAL ELECTRIC CORPORATION		Henry J. King, Jr., Esq. Managing Attorney Electric Insurance Company 152 Conant Street Beverly, MA 01915
GENERAL MOTORS CORPORATION As successor in Interest to Delco Products a Division of General Motors		c/o CT Corp. 111 8 th Avenue New York, NY 10011
GENERAL REFRactories CO.		225 City Avenue, Suite 114 Bala Cynwyd, PA 19004
GEORGIA-PACIFIC CORPORATION		133 Peachtree St., N.E. Atlanta, GA 30303

DEFENDANTS/COUNSEL	PHONE/FAX #	SERVICE
GOODRICH CORPORATION f/k/a B.F. Goodrich Company		c/o Corporation Service Co. 80 State Street Albany, NY 12207
GOODYEAR TIRE & RUBBER COMPANY 1144 East Market Street Akron, OH 44316		c/o Corporation Service Company 80 State Street Albany, NY 12207
GOULDS PUMPS, INC.		c/o The Corporation Trust Company 1209 North Orange Street Wilmington, DE 19801
GRAYBAR ELECTRIC COMPANY, INC.		34 N. Meramec Avenue St. Louis, MO 63105
GRIMES AEROSPACE COMPANY Individually and as successor in interest to Midland-Ross Corporation		550 Route 55 Urbana, OH 43078
HENKEL CORPORATION		CT Corporation System 111 8 th Avenue New York, NY 10011
HERCULES CHEMICAL COMPANY, INC.		111 South Street Passaic, NJ 07055
HEWLETT PACKARD COMPANY		P.O. Box 10301 Palo Alto, CA 94303-0890
HONEYWELL INTERNATIONAL, INC. f/k/a Alliedsignal, Inc., and as Successor-in-interest to the Bendix Corp. 101 Columbia Road Morristown, NJ 07962-1057		c/o The Corporation Trust Company 1209 North Orange Street Wilmington, DE 19801
INGERSOLL-RAND COMPANY		200 Chestnut Ridge Road Woodcliff Lake, NJ 07675
J.H. FRANCE REFRACTORIES CO.		P.O. Box 276 895 Clarence Road Snow Shoe, PA 16874-0276
JOHN CRANE, INC.		c/o CT Corporation System 111 8 th Avenue New York, NY 10011

DEFENDANTS/COUNSEL	PHONE/FAX #	SERVICE
KENTILE FLOORS, INC.		c/o Sandy Cooper Insurance Claims Administrator 31 East 28 th Street New York, NY 10016
LEAR SEIGLER SERVICES, INC. Individually and as Successor in Interest to Lear Seigler, Inc.		3 Corbett Way Eatontown, NJ 07724
LESLIE CONTROLS, INC.		12501 Telecom Drive Tampa, FL 33637
LOCKHEED MARTIN CORP.		6801 Rockledge Drive Bethesda, MD 20817
METROPOLITAN TRANSPORTATION AUTHORITY		347 Madison Avenue New York, NY 10017
MUNACO PACKING & RUBBER CO., INC.		325 West 16 th Street New York, NY 10011-5936
NASCO AIR BRAKES, INC.		13300 Estrella Avenue Gardena, CA 90248
NORTHROP GRUMAN CORP.		c/o CT Corporation System 111 8 th Avenue New York, NY 10011
OLD ORCHARD CORPORATION		208 SO LaSalle Street, Suite 814 Chicago, IL 60604-1101
PARKER AEROSPACE		14300 Alton Parkway Irvine, CA 92618-1814
PARKER HANNIFIN CORPORATION		6035 Park Boulevard Cleveland, OH 44124-4141
PNEUMO ABEX CORPORATION Individually and as Successor in interest to Abex Corporation f/k/a American Brake Shoe;		c/o The Prentice Hall Corp. System Inc. 80 State Street Albany, NY 12207
PRATT WHITNEY		400 Main Street East Hartford, CT 06108-0968

DEFENDANTS/COUNSEL	PHONE/FAX #	SERVICE
RAILROAD FRICTION PRODUCTS CORP.		1001 Air Brake Avenue Wilmerdine, PA 15148
		- and -
		The Trust Corporation Company Corporation Trust Center 1209 Orange Street Wilmington, DE 19801
RHEACO, INC.		1801 West Jefferson Street Grand Prairie, TX 75051-1328
SEQUOIA VENTURES, INC., Individually and as Successor to Bechtel Corporation		c/o The Corporation Trust Company 1209 North Orange Street Wilmington, DE 19801
WEINER LESNIAK, LLP Anna DiLonardo, Esq. Attorneys for Defendant ROBERT A. KEASBEY CO.	Tel: (631) 232-6130 Fax: (631) 232-6184 adilonardo@weinerlesniak.com	888 Veterans Memorial Highway Hauppauge, NY 11788
ROLLS ROYCE CORPORATION Individually and as Successor in interest to Allison Edgine Company, Inc.		c/o CT Corporation Service Co. 80 State Street Albany, NY 12207
THE FAIRCHILD CORPORATION		1750 Tysons Boulevard, Ste 1400 McLean, VA 11101
McGIVNEY & KLUGER, P.C. Chuck McGivney, Esq. Attorneys for Defendant TREADWELL CORPORATION	Tel: (212) 509-3456 Fax: (212) 509-4420	80 Broad Street, 23 rd Floor New York, NY 10004
TRIAD INTERNATIONAL MAINTENANCE CORP. Individually and as successor in interest to Aero Corporation		623 Radar Road Greensboro, NC 27410
UNISYS CORPORATION		Unisys Way Blue Bell, PA 19424-0001

DEFENDANTS/COUNSEL	PHONE/FAX #	SERVICE
UNITED TECHNOLOGIES CORP. Individually and as successor in interest to United Aircraft Corp.		United Technologies Building Hartford, CT 06101
WAYNE WIRE CLOTH PRODUCTS, INC.		200 E. Dresden Street NE Kalkaska, MI 49646
WESTINGHOUSE AIR BRAKE CO.		
3M COMPANY f/k/a Minnesota Mining & Manufacturing Co.		

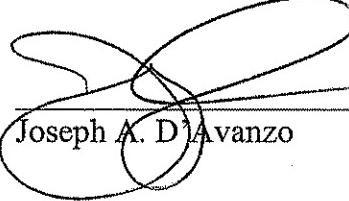
VERIFICATION

STATE OF NEW YORK)
) SS.:
COUNTY OF WESTCHESTER)

The undersigned, being an attorney duly admitted to practice law before all the Courts of the State of New York and fully aware of the penalties of perjury, hereby affirms the following to be true:

1. Affirmant is a partner with the law firm of WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER, attorneys for the defendant THE BOEING COMPANY, and THE BOEING COMPANY sued herein incorrectly as BOEING INTEGRATED DEFENSE SYSTEMS, in the within action and is fully familiar with the facts and circumstances involved in this matter from reviewing the file regarding the same maintained in the offices of said law firm.
2. Affirmant has read the foregoing Verified Answer and knows the contents thereof, and the same are true to affirmant's own knowledge, except as to those matters, affirmant believes them to be true.
3. Affirmant further states that the reason this Verified Answer is made by the undersigned and not by the defendant is because said party does not reside or have a place of business in Westchester County where the offices of said attorneys are located.
4. The grounds of the affirmant's belief as to all matters not stated to be upon, affirmant's knowledge are investigative and other information contained in the file of the said law firm.

Dated: White Plains, New York
April 22, 2008



Joseph A. D'Avanzo

AFFIDAVIT OF SERVICE BY MAIL

STATE OF NEW YORK)
)
) ss.:
 COUNTY OF WESTCHESTER)

Elizabeth Ramsey, being duly sworn, deposes and says:

That deponent is not a party to the action, is over eighteen (18) years of age and resides in Dutchess County, New York.

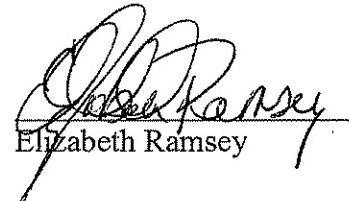
That on the 7th day of May, 2008 deponent served the within:

VERIFIED ANSWER OF THE BOEING COMPANY

Upon:

LEVY PHILLIPS & KONIGSBERG Attorneys for Plaintiffs 800 Third Ave., 13 th Floor New York, NY 10022 Attn: Patrick J. Timmins, Esq.	WILSON, ELSER, MOSKOWITZ, EDELMAN & DICKER Attorneys for Defendants A.W. Chesterton; Carrier Corp. General Dynamics 150 East 42 nd Street New York, NY 10017 Attn: Julie Evans, Esq.
McGIVNEY & KLUGER, INC. Attorneys for Defendants Courter & Company, Inc.; Treadwell Corp. 80 Broad St., 23 rd Fl. New York, NY 10004 Attn: Richard Leff, Esq.	McMAHON MARTINE & GALLAGHER Attorneys for Defendant Eastern Refractories Corp. 90 Broad Street, 14 th Floor New York, NY 10004 Attn: Laura B. Hollman, Esq.
WEINER LESNIAK LLP Attorneys for Defendant Robert A. Keasbey Co. 888 Veterans Memorial Highway Hauppauge, NY 11788 Attn: Anna DiLeonardo, Esq.	

attorney(s) for the respective parties in this action, at the above address(es) designated by said attorney(s) for that purpose by depositing a true copy thereof in a post paid addressed wrapper in an official depository under the exclusive care and custody of the United States Post Office within the State of New York.



Elizabeth Ramsey

Sworn to before me this
7th day of May, 2008.



Danielle Isaaza
NOTARY PUBLIC

DANIELLE ISAAZA
Notary Public, State of New York
No. 011S6135629
Qualified in Westchester County
Commission Expires 10/24/2009

LEVY, PHILLIPS & KONIGSBERG, LLP
ATTORNEYS AT LAW
800 THIRD AVENUE
NEW YORK, N. Y. 10022

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GOSHEN OFFICE
42 PARK PLACE
GOSHEN, NEW YORK 10924
TELEPHONE: (845) 294-2002

May 22, 2008

VIA FIRST CLASS MAIL

To: All Counsel

Re: Ernesto Miranda
November 2008 Extremis Trial Cluster

Dear Counsel:

Enclosed please find Plaintiffs' Answers To Defendants' Fourth Amended Standard Set Of Interrogatories And Request For Production Of Documents for Ernesto Miranda, along with a copy of his pathology report from St. Luke's - Roosevelt Hospital Center, dated December 12, 2007 diagnosing his mesothelioma.

Very truly yours,

LEVY PHILLIPS & KONIGSBERG, LLP



By: Corrinne Donaldson
Legal Assistant

:cd
Enclosures

SUPREME COURT OF THE STATE OF NEW YORK
ALL COUNTIES WITHIN NEW YORK CITY

In Re: **NEW YORK CITY
ASBESTOS LITIGATION**

NYCAL

This Document Applies to:

ERNESTO MIRANDA Index No.: 08/104346

**PLAINTIFF'S ANSWERS TO
DEFENDANTS' FOURTH
AMENDED STANDARD SET OF
INTERROGATORIES AND
REQUEST FOR PRODUCTION
OF DOCUMENTS**

00110111.WPD

GENERAL OBJECTION

Plaintiff objects to these discovery requests to the extent they seek information protected as attorney-client privilege and/or work product doctrine. Finally, plaintiff objects to any discovery request that may be construed as requesting production of Proof of Claim Forms (POCs) and/or other documents reflecting communications between plaintiff and any settlement trust or any other entity made solely for purposes of settlement. See CPLR § 4547.

00110111.WPD

2

INTERROGATORIES

1. State the following:

- (a) your full name, and all other names by which you have been known;
- (b) age, and date and place of birth;
- (c) whether you were an adopted child;
- (d) present marital status, date of current marriage, spouse's maiden name, dates of any prior marriages and the names of any prior spouses, if applicable;
- (e) present home address; and
- (f) social security number.

A.1. (a) Ernesto Miranda.

- (b) 58; January 21, 1951; Dominican Republic.
- (c) No.
- (d) Married; December 28, 1974; Diana Miranda.
- (e) 1315 Amsterdam Avenue, Apt. 2J, New York, NY 10027.
- (f) 583-46-3037.

2. State the following with regard to your father and mother:

- (a) names;
- (b) current address (if deceased, state last known address);
- (c) the current condition of each one's health, including any specific medical problems. If either of your parents are deceased, please state for each deceased parent:

- i. specific physical problems;
- ii. date and place of death;
- iii. age and cause of death for each parent.

- A.2. (a) Mother: Angela Miranda. Father: Rafael Miranda.
- (b) Mother: New York, NY, deceased Father: New York, NY, deceased
- (c) Mother: Deceased. Father: Deceased.
- (i) Mother: Heart problems Father: unknown
- (ii) Mother: 1988; New York, NY.
Father: 2001; New York, NY.
- (iii) Mother: 72; natural causes.
Father: 69; heart attack.

3. State the following with regard to each of your children:

- (a) full name;
- (b) the date of birth;
- (c) sex;
- (d) current address (if deceased, state the last known address);
- (e) social security number;
- (f) whether birth child or adopted child;
- (g) current state of each one's health. If any of your children are deceased, state for each deceased child:

- i. specific physical problems;
- ii. date and place of death; and
- iii. age and cause of death for each child.

- A.3.I. (a) Zoraya Miranda.
(b) October 11, 1975.
(c) Female.
(d) 58 East 117th Street, Apt. 5D, New York, NY 10035
(e) 077-70-5410.
(f) Birth child.
(g) Good health.
- A.3.II. (a) Ernesto Miranda, Jr.
(b) November 12, 1979.
(c) Male.
(d) 1315 Amsterdam Avenue, Apt. 2J, New York, NY 10027.
(e) 077-70-2999.
(f) Birth child.
(g) Good health.

4. State the complete address of all places you have resided since birth giving the inclusive dates of residence for each place named and as to each state:

- (a) fuel use for heating and cooking;

- (b) significant home improvements (e.g., additions, reinsulation, re-wiring, etc.);
- (c) number of family units co-occupying said structure.

A.4.I. Puerto Rico.

Approximately 1952 to 1967.

- (a) Heating: unknown; Cooking: unknown.
- (b) Unknown.
- (c) Single family home.

A.4.II. 258 West 97th Street, New York, NY.

Approximately 1967 to 1969.

- (a) Heating: unknown; Cooking: gas.
- (b) None.
- (c) Hotel residence.

A.4.III. 1315 Amsterdam Avenue, Apt. 2J, New York, NY.

Approximately 1970 to 1985.

- (a) Heating: gas; Cooking: gas.
- (b) None.
- (c) Apartment building.

A.4.IV. Anthony Avenue, New York, NY.

Approximately 1985 to 1986.

- (a) Heating: oil; Cooking: gas.
- (b) None.
- (c) Apartment building.

A.4.V. 1315 Amsterdam Avenue, Apt. 2J, New York, NY.

Approximately 1986 to present.

- (a) Heating: gas; Cooking: gas.
- (b) None.
- (c) Apartment building.

5. For every physician or other health care provider who ever tested, treated, consulted with or examined you up to and including the present date, for any reason whatsoever, please state the following separately as to each:

- (a) name and address of physician or health care provider and, if ongoing, the approximate frequency of said treatment and services;
- (b) date(s) of test, examination and/or treatment;
- (c) symptoms complained of at the time, if any;
- (d) any diagnosis made;
- (e) treatment or examination given and reason for treatment or examination; and
- (f) any drugs or medications prescribed.

A.5. At the present time, although it is possible that plaintiff consulted other doctors,

nurses and health care providers, plaintiff recalls the following names, dates and treatments:

- A.5.I. (a) Dr. Cliff Corney, Thoracic Surgeon.
Roosevelt Hospital,
1000 10th Avenue, New York, NY 10019.
- (b) Approximately December 2007 - present.
- (c) See medical records.
- (d) Mesothelioma; see medical records.
- (e) Biopsy; see medical records.
- (f) See medical records.
- A.5.II. (a) Dr. Andrew Evans, Radiation Oncologist;
1000 10th Avenue, New York, NY 10019.
- (b) Approximately January 2008 - present.
- (c) See medical records.
- (d) See medical records.
- (e) Consultation; see medical records.
- (f) See medical records.
- A.5.III. (a) Dr. Gary Burke, Physician.
University Medical Associates,
1090 Amsterdam Avenue, 4th Floor New York, NY 10025.
- (b) Approximately November 2007 to present.

- (c) See medical records.
- (d) See medical records.
- (e) Needle biopsy; see medical records,
- (f) See medical records.

A.5.IV. (a) Dr. Seth Cohen, Oncologist,
1000 10th Avenue, 11G, New York, NY 10019.

- (b) Approximately December 2007 to present.
- (c) See medical records.
- (d) See medical records.
- (e) Chemotherapy; see medical records.
- (f) See medical records.

A.5.V. (a) Dr. Raja Flores, Surgeon,
Memorial Sloan Kettering Hospital,
1275 York Avenue, New York, NY 10017.

- (b) Approximately January 2008.
- (c) See medical records.
- (d) See medical records.
- (e) Consultation; see medical records;
- (f) See medical records.

A.5.VI. (a) Dr. Antone Abed, Pulmonologist,

1090 Amsterdam Avenue, New York, NY 10025.

- (b) Approximately January 2008 to present.
- (c) See medical records.
- (d) See medical records.
- (e) See medical records.
- (f) See medical records.

A.5.VII. (a) Dr. Michael Grossbard, Oncologist,

Roosevelt Hospital,

1090 Amsterdam Avenue, New York, NY 10019.

- (b) Approximately January 2008 to present.
- (c) See medical records.
- (d) See medical records.
- (e) See medical records.
- (f) See medical records.

A.5.VIII. (a) Dr. Anupama Goel, Oncologist,

Roosevelt Hospital,

1090 Amsterdam Avenue, New York, NY 10019.

- (b) Approximately December 20007 to present.
- (c) See medical records.
- (d) See medical records.
- (e) See medical records.

(f) See medical records.

A.5.IX. (a) Dr. Yvonne Cruz, Pulmonologist,
St. Luke's Hospital,
1111 Amsterdam Avenue, New York, NY 10025.

(b) Approximately November 2007 to present.

(c) See medical records.

(d) See medical records.

(e) See medical records.

(f) See medical records.

6. For every hospital, clinic or health care institution in which you have ever been admitted, treated, tested, or examined, whether as an "in-patient" or as an "out-patient," please state the following for each such visit:

(a) name and address of the facility;

(b) dates and description of test, treatment, examination or hospitalization
and, if ongoing, the approximate frequency of said treatment and services;
and

(c) reason for visit to the facility.

A.6. At the present time, although it is possible that plaintiff may have been treated or examined in other hospitals and health institutions, plaintiff recalls the following:

A.6.I. (a) Memorial Sloan Kettering Hospital,
1275 York Avenue, New York, NY 10017.

(b) Approximately January 2008.

(c) Consultation; see medical records.

A.6.I. (a) Roosevelt Hospital,
1000 10th Avenue, New York, NY 10019.

(b) Approximately November 2007.

(c) Biopsy; see medical records.

A.6.III. (a) St. Luke's Hospital.
1111 Amsterdam Avenue, New York, NY 10025.

(b) Approximately 1996 and 2007.

(c) Broken leg (1996) and needle biopsy (2007); see medical records.

7. State each of your asbestos-related injuries and/or diseases, describe the nature of those symptoms that you contend are related to your asbestos-related condition(s), and state the date when you first experienced each such symptom and the date of diagnosis and the name of any diagnosing physician and, if different, indicate the date you first became aware of the diagnosis.

A.7. Plaintiff has sustained a number of asbestos-related injuries, including, but not limited to mesothelioma, pain and suffering, mental and emotional distress, shortness of

breath, coughing, skin discoloration, weight loss, nausea, loss of appetite, difficulty breathing, abdominal swelling, chest pain, fatigue, respiratory discomfort and pain and related sequelae. As indicated in plaintiff's medical records, at various and numerous times, plaintiff has experienced a variety of different and differing symptoms related to his injuries, which are numerous and frequent. At this time, plaintiff is unable to state the precise date of the various symptoms might have first occurred. See medical records for date of diagnosis and name of diagnosing physician.

8. Describe any pain, incapacity, inability to lead a normal life, inability to work, or disability (including retirement) alleged to have resulted from your medical conditions, including the date and basis therefore.

A.8. Plaintiff has experienced shortness of breath, coughing, weight loss, loss of appetite, chest pain, respiratory discomfort and pain, difficulty breathing, and fatigue, among other things. Plaintiff's asbestos-related condition has totally disrupted his life, totally limited him in his everyday activities, interfered with his living a normal life, caused him fear, emotional distress, pain, suffering, discomfort, and inconvenience. His ability to do any tasks that require any physical exertion such as working, running, walking, climbing stairs, lifting, exercising and everyday chores around the house has been extensively diminished.

9. Have you ever had any biopsies or tissue samples taken? If so, please state for

each such procedure:

- (a) the name of the physician performing such procedure;
- (b) the address where such procedure was performed;
- (c) the date when such procedure was performed; and
- (d) the results, conclusions, and/or diagnosis arising from such procedure.

A.9.I. (a) Dr. Cliff Cornery, Thoracic Surgeon.

(b) Roosevelt Hospital.

1090 10th Avenue, New York, NY 10019.

(c) December 2007; see medical records.

(d) Mesothelioma.

10. Have you ever had any chest x-rays, CT Scans and/or pulmonary function tests?

If so, state:

- (a) the dates and places;
- (b) the reasons;
- (c) the results and/or diagnosis resulting therefrom;
- (d) the location of all chest X-ray films and CT Scans; and
- (e) provide appropriate authorization to obtain all X-rays, CT Scans and pulmonary function tests.

A.10.I. (a) Plaintiff has had x-rays taken at St. Luke's Hospital and Roosevelt

Hospital, but medical records may or may not reflect others.

- (b) See medical records.
- (c) See medical records.
- (d) Chest x-ray films and CT Scans should be in the possession of the respective doctors and hospitals.
- (e) Authorizations have been provided to RecordTrak.

11. Have you ever been exposed to, used, inhaled or ingested any of the following substances on a regular basis or at work. If so, state the date(s), place(s), and circumstances thereof.

- (a) acids
- (b) aluminum
- (c) arsenic
- (d) barium
- (e) beryllium
- (f) butanol
- (g) cadmium
- (h) carborundum
- (i) chloroethylene
- (j) chlorine
- (k) chromate
- (l) chromite

- (m) chromium
- (n) coal dust (coal)
- (o) coal tar
- (p) cotton dust
- (q) epoxy
- (r) ethanol
- (s) grinding dust
- (t) iron
- (u) isocyanates
- (v) isopropanol
- (w) lead
- (x) live chickens
- (y) manganese
- (z) nickel
- (aa) nitrogen dioxide
- (ab) nuclear radiation
- (ac) ozone
- (ad) petroleum distillates
- (ae) phosgene
- (af) radiation
- (ag) silica
- (ah) titanium

- (ai) toluene
- (aj) welding smoke or fumes
- (ak) zylene
- (al) zinc.

A.11. Plaintiff does not recall being exposed to the above substances on a regular basis.

12. Do you use or have you ever used cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance, from birth to the present time? If so, state the following:

- (a) the brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco);
- (b) the dates during which you used each such product;
- (c) the amount of the product used per day, during each period of time (e.g., 2 packs of cigarettes per day);
- (d) whether you have ever been told by a physician that you are or were suffering from any disease or illness caused by or contributed to by tobacco; and
- (e) whether you were ever advised by any physician or any other person that use of tobacco products could adversely affect your health and whether you were ever advised to stop using tobacco products, and if so, identify each physician or person who gave you any such advice, the dates on which the advice was given, and state exactly what, if anything, you did in response to that advice.

A.12.I. Yes.

- (a) Various brands, including Marlboro filtered, Pall Mall unfiltered, Newport filtered, Salem filtered and Kent filtered.
- (b) Approximately 1968 to present.
- (c) Approximately one pack per day.
- (d) No.
- (e) Yes; Dr. Cohen; 2008; trying to quit.

13. For each spouse and member of your household, from your birth to the present time, state whether they use or have ever used cigarettes, cigars, pipes, smokeless tobacco, or any other tobacco substance, and if so, state the following:

- (a) the brand and type of tobacco product(s) used (e.g., filter, non-filter, chewing tobacco); and
- (b) the dates during which they used each such product.

A.13.I. Ernesto Miranda, Jr.

- (a) Newport filtered.
- (b) Approximately 2001.

14. Do you presently consume or have you in the past consumed alcoholic beverages.

If so, state the following:

- (a) the type of alcoholic beverages consumed;
- (b) the dates during which you consumed each such alcoholic beverage;

- (c) the amount of such beverage you consumed each day; and
- (d) whether you have ever been treated for any illness or disease related to your consumption of alcoholic beverages.

A.14. Yes.

- (a) Beer, wine and rum on occasion.
- (b) Approximately 1988 to 2006.
- (c) Approximately one pack of beer per day.
- (d) Yes. Arms Acres, 500 8th Avenue, New York, NY (Alcohol Rehabilitation, October 2006 - June 2007).

15. Have you ever been a member of the Armed Forces of the United States? If so, state the following:

- (a) the branch of the service, serial number, and highest rank held;
- (b) the beginning and ending dates of your military service;
- (c) the type of discharge that you received; and
- (d) whether you sustained any injuries or incurred any illness during military service.
- (e) if you received a medical discharge, attach a copy hereto and set forth the medical reasons.

A. 15. Yes.

- (a) United States Air Force; 583463037; Crew Chief.
- (b) 1982 - 1986.

- (c) Honorable.
- (d) No.
- (e) Not applicable.

16. As to each and every employer (including military service) you have had from the time you were first employed to the present, set forth the following:

(Use attached Chart A)

Include on the Chart all employers where you have worked, and all job sites, regardless of whether or not you believe you were exposed to asbestos during the employment. Also, include the source of any product identification information provided on Chart A.

A. 16. See Chart A.

17. Please state the following with respect to each asbestos-containing product identified on Chart A:

- (a) the color, dimensions, shape, form, texture, weight, appearance and flexibility of each product;
- (b) the appearance of the package or container indicating the manner of packaging, size, dimensions, color and weight; and
- (c) the name, logo, label, numerical and alphabetical markings and other markings or words including warnings on the product and package or container.

- A. 17. (a) The asbestos-containing products identified in Chart A were varied in color, dimension, shape, form, texture, weight, appearance and/or flexibility. Further information may be provided in response to questioning at deposition.
- (b) To the extent that the asbestos-containing products identified in Chart A came packaged, such packaging varied in appearance, size, dimension, color and/or weight. Further information may be provided in response to questioning at deposition.
- (c) To the extent that the asbestos-containing products identified in Chart A came packaged, such packaging may have contained various markings including the manufacturer or trade name of the product. In addition, the product itself may have also contained various markings. Plaintiff never personally observed any warnings about asbestos on product packaging or on the asbestos-containing products themselves. Further information may be provided in response to questioning at deposition.
18. If you have retired from your employment, set forth the following:
- (a) whether said retirement was voluntary or involuntary;
 - (b) the effective date of said retirement;
 - (c) the name of your employer at the time of retirement;
 - (d) the reason for your retirement;
 - (e) whether your retirement was related to any claimed asbestos-related injury;

and

- (f) the amount of pension and/or retirement benefits you are receiving or entitled to receive.

A.18.I No.

19. State whether you were exposed (either directly, through a co-worker or otherwise), to any Bankrupt Entity's asbestos-containing materials, or products either mined or manufactured, sold, or distributed by a Bankrupt Entity. If so, state the following:

- (a) As to each and every employer (including military service) you have had from the time you were first employed to the present, set forth the following, concerning Bankrupt Entities' products only:
- i. Name of Employer;
 - ii. Dates of employment;
 - iii. Asbestos-related job site and address where Bankrupt Entity's products were being used;
 - iv. Dates you were at the job site;
 - v. Job duties at the particular job site;
 - vi. Bankrupt Entity's asbestos-containing materials or products to which you were exposed.
 - vii. Other companies using Bankrupt Entity's asbestos-containing materials or products at the jobsite; and

viii. Whether you received any warnings with respect to the use of said product and the nature of those warnings.

- (b) If you were exposed to, used, ingested or inhaled any Bankrupt Entity's Asbestos-Containing Products at any time other than in the scope of your employment, state for each such exposure:
- i. the date, location and circumstances; and
 - ii. the type of product and the name of the manufacturer, distributor, and miner.

A.19. Subject to the foregoing general objection, plaintiff responds as follows:

See plaintiff's attached "Chart A"

20. If you were exposed to, used, ingested or inhaled asbestos or asbestos-containing products at any time other than in the scope of your employment, state for each such exposure:

- (a) the date, location and circumstances; and
- (b) the type of product and the name of the manufacturer, distributor, and miner.

A.20. Plaintiff believes he was exposed to asbestos-containing automotive products during the 1970's when he performed minor repairs and brake work on his Chrysler, Road Runner. Plaintiff recalls using MOPAR brakes among others.

21. Have you ever been a member of any labor union? If so, state:

- (a) the name and address of each local, national and international labor union;
- (b) the inclusive dates of your membership; and
- (c) any positions you have held with each such labor union, and the dates during which you held such positions.

A.21. Yes.

- (a) Carpenter's Union
- (b) Approximately September 1985 to June 1986.
- (c) Member.

22. State whether you have ever seen or received any information, instruction, direction, warning, or directive, from any source whatsoever, concerning alleged dangers of exposure to asbestos or asbestos-containing products, and if so, identify:

- (a) each such warning, directive, notification, direction, instruction, or information;
- (b) the means by which such was given to you;
- (c) the source and the date on which it was received by you; and
- (d) your response or reaction, including any complaints made or changes in work habits.

A.22. To be provided.

23. State whether you had available for use during any period of your employment, respirators or masks or other dust inhalation inhibitor, or protective gear and, if so, state the following:

- (a) the period of time during which said items were available;
- (b) what instructions were given with regard to the use of each of said items;
- (c) whether you used said items and the dates of your use;
- (d) whether you ever requested said items, and, if so, when, where and to whom the request was made, and the response to the request.

A.23. Yes, only later years.

- (a) After 2004 only.
- (b) None.
- (c) Yes.
- (d) Equipment was provided.

24. If you are making a claim for loss of earnings or impairment of earning power because of your medical conditions, state the following:

- (a) date of commencement of any loss or impairment;
- (b) the name and address of your employer, your job title and your monthly or weekly rate of pay at the time of the alleged commencement of any loss or impairment;
- (c) if you had more than one employer during the three year period prior to the date of the commencement of any loss or impairment, as indicated on

Chart A, provide your monthly or weekly rate of pay and inclusive dates of such employment during the three year period;

- (d) your total earnings for the period of three years prior to the commencement of any loss or impairment;
- (e) the inclusive dates during which you allege that you were unable to work as a result of any loss or impairment and the total amount of pay you claim you lost because of this absence;
- (f) the date on which any loss or impairment ended; and
- (g) your monthly or weekly rate of pay which you have received, from the date of any loss or impairment ended through the present time.

A.24. Plaintiff does assert a claim for loss earnings.

- (a) November 2007.
- (b) Bowery Residence Committee, maintenance worker, approximately \$16.00 per hr.
- (c) See Chart A; weekly pay rate to be provided.
- (d) To be provided.
- (e) November 2007 to present.
- (f) Impairment is ongoing.
- (g) Approximately \$16.00 per hour.

25. Do you claim damages for loss of consortium, society, affection, services, or

sexual enjoyment? If so, please set forth in complete detail all facts on which this claim is based, including a complete description of the loss suffered.

A.25. Plaintiff's spouse, Diana Miranda, does assert a claim for loss of consortium, society, affection, services, and sexual enjoyment. This claim is based upon the deleterious effect of asbestos exposure on the health and well being of Ernesto Miranda and its effect on his ability to provide companionship, love, affection, and services to his wife.

26. For each person who is or was partially or totally dependent upon you for financial support and assistance during the last ten years, state:

- (a) the name, address, sex, age and relationship; and
- (b) the amounts you contributed during the last ten years for support and assistance.

A.26.I. (a) Diana Miranda; 1315 Amsterdam Avenue, New York, NY 10027; 61 yrs.; female; spouse.
(b) Total support.

A.26.II.(a) Ernesto Miranda Jr.; 1315 Amsterdam Avenue, New York, NY 10027; 27 yrs.; male; son.
(b) Total support.

A.26.III.(a) Zoraya Miranda; 58 East 117 Street, Apt. 5D, New York, NY 10035;

31 yrs.; female; daughter.

(b) Partial support.

27. State, in the form of an itemized list, all special damages alleged in this lawsuit including, but not limited to, hospital charges, medical charges, medicines, lost wages, etc., naming the person or organization to whom each item of expense was paid or is due, and, if paid, by whom each item of expense was paid.

A.27. Expenses are ongoing; to be provided.

28. Identify and give the substance of all written statements, recordings, or videotapes which relate to the facts of this lawsuit and the damages you claim given by plaintiff or any witness (provided such information is in plaintiff's possession, custody or control and/or such statements, recordings or videotapes are not protected by the attorney-client privilege) in the above-captioned matter.

A. 28. None.

29. Have you ever made any claim for, or received any, health or accident insurance benefits, social security benefits, state or federal benefits for disabilities, workers' compensation benefits, veterans' benefits, tort claims or suits, Federal Employers Liability Act claims or suits, Longshoremen and Harbor Workers Act claims or suits, unemployment compensation insurance benefits, or early payment from any public or private pensions due to disability or your medical condition? If so, state the following:

- (a) the date and place where each such claim was made;
- (b) the name and nature of the entity with which the claim was made;
- (c) any identifying number, such as a docket or petition number, for each claim;
- (d) the defendant, agency, insurer, employer or other entity to or against whom the claim was made and its file number;
- (e) the nature of the claim;
- (f) whether you were examined by a physician and if so, the name and address of that physician;
- (g) the result of such claim, including the amount realized by way of settlement, judgment or award upon the claim;
- (h) the name and address of any attorney who represented you with regard to such claims; and
- (i) whether you are presently receiving such benefits.

A.29.I. Yes.

- (a) 1996, New York.
- (b) Social Security Disability.
- (c) Unknown.
- (d) Social Security Administration.
- (e) Disability.
- (f) Yes. To be provided.

(g) Denied.

(h) None.

(i) No.

A.29.II. (a) 2008, New York.

(b) Worker's Compensation Board.

(c) 00805585.

(d) Gateway Builders.

(e) Worker's compensation.

(f) To be provided.

(g) Pending.

(h) Rubin Everson, Esq.

(i) No.

30. State the following with regard to your asbestos-related legal action:

(a) Did you file an asbestos-related claim in more than one (1) jurisdiction;

(b) Identify all of the jurisdiction(s) where an asbestos-related claim has been filed (whether or not these claims have been dismissed or discontinued or otherwise resolved) on your behalf;

(c) Did you file your asbestos-related claim(s) under more than one (1) Index Number; and

(d) Provide all of the Index Numbers for all of your asbestos-related claim(s),

including all multiple Index Numbers for Claims filed in New York County.

A.30. Subject to the foregoing general objection, plaintiff responds as follows:

- (a) No.
- (b) New York County.
- (c) No.
- (d) Index No.: 08/104346.

31. State whether or not you have made, filed, or submitted a Claim Against Bankrupt Entity or received funds in settled from a Bankrupt Entity. If so, for each claim state the following:

- (a) the date and place where each such claim was made;
- (b) the name and nature of the entity with which the claim was made;
- (c) any identifying number, such as a docket or petition number, for each claim;
- (d) the defendant, agency, insurer, employer or other entity to or against whom the claim was made and its file number;
- (e) the nature of the claim;
- (f) whether you were examined by a physician and if so, the name and address of that physician; and
- (g) whether you received any compensation as a result of such claim, but not

the amount.

A.31. Subject to the foregoing general objection, plaintiff responds as follows:

No.

32. State whether you have applied to any Bankrupt Entity or Bankruptcy Court to lift the stay as to your claim or otherwise have attempted to join a Bankrupt Entity to this action.

A.32 Subject to the foregoing general objection, plaintiff responds as follows:

As of the present time, plaintiff has neither applied to any Bankrupt Entity or Bankruptcy Court to lift the stay nor otherwise attempted to join a Bankrupt Entity to this action because any such action would be contrary to federal law which provides that plaintiff is barred from proceeding against any Bankrupt Entities in this action. Further, any such action would force the Bankrupt Estate or Settlement Trust to unnecessarily incur litigation costs, thereby causing an unnecessary drain on trust assets that are designed to benefit asbestos victims.

33. Have you or your spouse ever been a party to or a witness in any lawsuit, court or administrative proceeding? If so, please state:

- (a) whether you or your spouse were a party or witness and if party, whether plaintiff or defendant;
- (b) the precise name of the lawsuit or proceeding, the court agency in which it

was brought and the docket number;

- (c) the nature of the charges or claims and, if you or your spouse were a witness, the subject matter of the testimony; and
- (d) the disposition of the case.

A.33. Yes.

- (a) Plaintiff.
- (b) Personal Injury, Court and docket number unknown.
- (c) Broken leg.
- (d) Settled.

34. Have you or your spouse filed a claim seeking compensation for any alleged asbestos-related condition from any entity, including settlement trusts? Specify "Yes" or "No" only.

A.34. Other than the present lawsuit, no.

35. Identify all entities, whether or not parties to this lawsuit, with whom you have settled or agreed to settle this lawsuit.

A. 35. Settlements are ongoing. A list will be provided of all defendants not dismissed by Summary Judgement or otherwise immediately prior to trial.

36. Identify all persons, other than your attorneys, who provided you with any information used in answering these interrogatories, and state the particular information

each person supplied.

A.36. Myself.

REQUEST FOR PRODUCTION OF DOCUMENTS

Pursuant to paragraph 19 of the CMO, the defendants request that plaintiffs produce for inspection and copying, the documents and things identified below. The documents and things identified herein shall be produced for inspection and copying at such time as the answers to the interrogatories herein are filed.

You are hereby requested to produce the following documents and things:

1. All documents identified in your answers to these interrogatories.
- R.1. Such documents will be produced, to the extent required by the relevant rules.
2. All documents relating to the plaintiff's job qualifications and professional licenses held.
- R.2. If any such documents are located in plaintiff's possession, they will be produced.
3. All documents relating to the plaintiff's membership in any labor trade association or professional organization.
- R.3. Authorizations have been provided to Recordtrak, 651 Allendale Road, King of Prussia, PA 19406.
4. All documents relating to the plaintiff's military or foreign service, including and not limited to, personnel records, discharge papers, military occupational specialty qualifications, promotions, reductions or disciplinary actions.
- R.4. Authorizations have been provided to Recordtrak, 651 Allendale Road, King of Prussia, PA 19406.
5. All documents relating to any claim or demand ever made by the plaintiff for damages, compensation or other benefits allegedly resulting from any illness or

injury, including but not limited to, Industrial Accident Board records, social security disability claim records, federal or state employment compensation claim records, social disability records, pension claim record or any other health or accident insurance claim records.

- R.5. Authorizations have been provided to Recordtrak, 651 Allendale Road, King of Prussia, PA 19406.
6. All documents in plaintiff's possession, custody or control relating in any way to the plaintiff's exposure or possible exposure to asbestos, asbestos-containing products and/or asbestos-containing materials.
- R.6. At this time, plaintiff has no such documents in his personal possession.
7. All documents in plaintiff's possession, custody or control relating in any way to the plaintiff's exposure or possible exposure to silica, acids, beryllium, nuclear radiation, ammonia, cadmium, chlorine, chromate, phosgene, grinding dust, coal dust, cotton dust, nickel, welding smoke or fumes.
- R.7. At this time, plaintiff has no such documents in his personal possession.
8. All documents, of which you have ever become aware, relating in any way to warnings, potential health hazards, instructions or precautions regarding the use or handling of, or exposure to, asbestos, asbestos-containing products, and/or asbestos-containing materials.
- R.8. At this time, plaintiff has no such documents in his personal possession.
9. All applications prepared or submitted by or on behalf of the plaintiff for life insurance, medical insurance, health and accident insurance, and/or disability

insurance.

- R.9. At this time, plaintiff has no such documents in his personal possession.
10. All statements, recorded interviews, films, videotapes, reports, questionnaires, forms or other documents made, submitted, compiled, prepared or filled out by, on behalf of, or under the direction of, plaintiff relating in any way to exposure or alleged exposure to asbestos, asbestos-containing products and/or asbestos-containing materials or any other issues relating to this lawsuit except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and counsel, made after an attorney-client relationship has been established, and attorney work product, need not be produced or identified.
- R.10. Objection. Attorney/client privilege; work product privilege.
11. All records in plaintiff's possession, custody or control relating to comments, complaints, suggestions, or proposals made to your employer or your union, by yourself or by other employees or union members regarding asbestos exposure.
- R.11. At this time, plaintiff has no such documents in his personal possession.
12. All written, recorded, filmed, transcribed or videotaped statements of all parties and non-party declarants pertaining to the subject of this lawsuit, except that information prepared by, for, or at the request of plaintiff's counsel must be identified (including the date made), but need not be produced without an order by the Court, provided that written or recorded communication between plaintiff and

counsel made after an attorney-client relationship has been established and attorney work product need not be produced or identified.

- R.12. Objection. Attorney/client privilege; work product privilege.
- 13. All photographs of the plaintiff at work or in work clothes and all photographs of all products or conditions complained of in the plaintiff's place of employment.
- R.13. At this time, plaintiff has no such photographs in his personal possession.
- 14. Copies of all itemized bills covering all the special damages and losses and expenses claimed in this matter.
- R.14. See A.27. Bills to be provided if located.
- 15. Copies of all reports, correspondence and records from any doctor who has examined the plaintiff, any hospital where the plaintiff has been treated either as an inpatient or as an outpatient, except for any reports, records, correspondence, or communications issued by any consulting physicians who have been retained or specially employed in anticipation of litigation or preparation for trial and who are not expected to be called as a witness at trial.
- R.15. Medical authorizations have been provided to RecordTrak, 651 Allendale Road, King of Prussia, PA 19406.
- 16. All tissue specimens, tissue slides, and x-ray films and CT scans pertaining to the plaintiff.
- R.16. See Answer R.15.
- 17. Copies of plaintiff's income tax returns for the last ten years of plaintiff's employment and up to the current year as well as any other documents, including

economic loss reports, upon which plaintiff relies in support of his claims. If loss of earnings or earning capacity is alleged or claimed to have occurred before the current year, include copies of the income tax returns of the plaintiff from ten years prior to the claimed loss and up to the current tax year.

- R.17. Authorizations have been provided to RecordTrak, 651 Allendale Road, King of Prussia, PA 19406.
- 18. Any asbestos and/or asbestos-containing products or product packaging of the type to which the plaintiff alleges exposure and which the plaintiff has in his possession, custody or control.
- R.18. At this time, plaintiff has no such products in his personal possession.
- 19. All photographs, charts, drawing, diagrams or other graphic representations depicting work conditions at work sites where the plaintiff claims the plaintiff was exposed to asbestos or asbestos-containing products.
- R.19. To be produced if located.
- 20. All invoices, bills, statements and any other writings or records which the plaintiff contends evidence the sale of any products containing asbestos to the place of the plaintiff's employment at which plaintiff claims that plaintiff was exposed to asbestos. This does not include documents in the possession, custody or control of plaintiff's attorney unless such documents were provided by plaintiff to his/her attorney and are not privileged.
- R.20. At this time, plaintiff has no such documents in his personal possession.
- 21. Any written advice, publication, warning, order, directive, requirement, or

recommendation, which advised or warned of the possible harmful effects of exposure to or inhalation of asbestos or asbestos-containing products in the products in the possession, custody or control of the plaintiff.

R.21. Objection. Work product, over-broad, unduly burdensome and irrelevant.

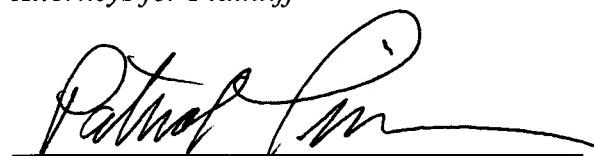
Subject to this objection, appropriate exhibit and witness lists will be provided at the appropriate time.

22. Any accident or incident reports which relate to the facts, circumstances or incidents which form the basis of plaintiff's complaint.

R.22. At this time, plaintiff has no such documents in his personal possession.

Dated: New York, New York
May 22, 2008

LEVY PHILLIPS & KONIGSBERG, LLP
Attorneys for Plaintiff



Patrick Timmins, Esq.
800 Third Avenue, 13th Floor
New York, NY 10022
(212) 605-6200

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Asbestos Related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
Consolidated Edison	Approx. 1970 - 1972	Astoria Powerhouse (Vocational Training thru Brandeis High School)	Approx. 1970 - 1972	Mechanic Helper	Plaintiff believes he handled and/or worked with various types of asbestos-containing materials and equipment including thermal products, gaskets, packing and equipment.	Plaintiff believes he worked in the vicinity of other who handled and/or worked with various types of asbestos-containing materials and equipment including thermal products, gaskets and packing.	Plaintiff cannot presently identify all of the manufacturers of such materials and equipment but states that he would have been exposed to all such products manufactured and used during the period he worked at the job site..	Plaintiff will further rely upon the testimony of co-workers and other evidence demonstrating the presence of various manufacturers' products at the job site during the time plaintiff believes he was exposed.	Plaintiff recalls working with the following: <u>Pumps:</u> Goulds, Peerless, Tyco, warren <u>Turbines:</u> Westinghouse <u>Turbines:</u> Westinghouse

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Asbestos Related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite at Jobsite	
Consolidated Edison, continued					<u>Valves:</u> Crane, Spirax Sarco <u>Wire & Cable:</u> Ericsson, General Electric, Honeywell, General Cable, Okonite <u>Compressors:</u> Ingersoll Rand <u>Equipment:</u> Honeywell, General Electric <u>Wire/Fuses/Amps.:</u> General Electric <u>Boilers:</u> Babcock & Wilcox, Combustion Engineering, Delaval, Foster Wheeler	<u>Valves:</u> Crane, Spirax Sarco <u>Wire & Cable:</u> Ericsson, General Electric, Honeywell, General Cable, Okonite <u>Compressors:</u> Ingersoll Rand <u>Equipment:</u> Honeywell, General Electric <u>Wire/Fuses/Amps.:</u> General Electric <u>Boilers:</u> Babcock & Wilcox, Combustion Engineering, Delaval, Foster Wheeler	Unknown			
Brothers International	Approx. 1972 - 1973			Approx. 1972 - 1973	Maintenance / Punch Card Data Entry	Unknown				

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Asbestos Related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
Savin Corporation	Approx. 1973 - 1982	Various office sites throughout New York City	Approx. 1973 - 1982	Technician	<p>Plaintiff believes he handled and/or worked with asbestos-containing materials and equipment, including Arc Shields, while performing maintenance and repair of Savin wordprocessors and copiers.</p> <p>Plaintiff cannot presently identify all of the manufacturers of such materials and equipment but states that he would have been exposed to all such products manufactured and used during the period he worked with such materials and equipment.</p> <p>Plaintiff will further rely upon the testimony of co-workers and other evidence demonstrating the presence of various manufacturers' products on the equipment he worked with.</p> <p>Plaintiff presently recalls the following:</p> <p><u>Equipment:</u> Ricoch, Brothers, IBM & Wang</p> <p><u>Arch Shields:</u> Cutler Hammer, Square D</p>	<p>Plaintiff believes he worked in the vicinity of others who handled and/or worked with asbestos-containing materials and equipment, including Arc Shields, while performing maintenance and repair of Savin wordprocessors and copiers.</p> <p>Plaintiff cannot presently identify all of the manufacturers of such materials and equipment but states that he would have been exposed to all such products manufactured and used during the period he worked with and around such materials and equipment.</p> <p>Plaintiff will further rely upon the testimony of co-workers and other evidence demonstrating the presence of various manufacturers' products on the equipment he worked with.</p> <p>Plaintiff recalls the following equipment manufactures:</p> <p><u>Equipment:</u> Ricoch, Brothers, IBM & Wang</p> <p><u>Arch Shields:</u> Cutler Hammer, Square D</p>			

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Asbestos Related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
U.S. Air Force	Approx. 1982 - 1986	Lackland Air Force Base, TX (6 months)	Approx. 1982 - 1986	Crew Chief (Airplane Maintenance)	Plaintiff presently recalls that he handled and/or worked with various types of asbestos-containing materials and equipment while servicing military aircrafts, including working on brake systems, engines, hydraulic systems and performing structural repairs.	Plaintiff presently recalls that he worked in the vicinity of others who worked with and/or handled various types of asbestos-containing materials and equipment, including working on brake systems, engines, hydraulic systems and performing structural repairs.	Michael T. Myers		

CHART A
JOBSITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Dates Asbestos Related Jobsite & Address	Job Duties You Were at Jobsite	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
U.S. Air Force Cont'd				<p>Plaintiff worked with the following:</p> <p>Airplane Manufacturers: Lockheed Martin, Northrop Grumman, Boeing, General Electric, General Dynamics, Raytheon Aircraft Co.</p> <p>Brakes: Bendix, B.F. Goodrich, Goodyear, as well as airplane manufactures</p> <p>Friction Material: Abex, Raybestos, B.F. Goodrich, Goodyear</p> <p>Engines: Pratt & Whitney, Rolls Royce, General Electric</p> <p>Cooling Systems: Carrier</p>	<p>Plaintiff may add information to this chart if/and/or when it becomes available.</p> <p>Plaintiff worked with and in the vicinity of others who worked with and/or handled the following:</p> <p>Airplane Manufacturers: Lockheed Martin, Northrop Grumman, Boeing, General Electric, General Dynamics, Raytheon Aircraft Co.</p> <p>Brakes: Bendix, B.F. Goodrich, Goodyear, as well as airplane manufactures</p> <p>Friction Material: Abex, Raybestos, B.F. Goodrich, Goodyear</p> <p>Engines: Pratt & Whitney, Rolls Royce, General Electric</p> <p>Cooling Systems: Carrier</p>			

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Asbestos Related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
Terminals Unlimited	1984 - 1986	Pease Air Force Base, Kittery, ME Norfolk Naval Shipyard, Norfolk, VA Dover Air Force Base, DE Ft. Drum, Watertown, NY	1984 - 1986	Technician	Plaintiff believes he handled and/or worked with various asbestos-containing materials and equipment while performing maintenance and repair of computers, copiers and word processors.	Plaintiff believes he worked in the vicinity of others who worked with and/or handled various asbestos-containing materials and equipment while performing maintenance and repair of computers, copiers and word processors. Plaintiff may further rely upon the testimony of co-workers if available, and other evidence demonstrating the presence of various manufacturers' asbestos-containing materials and equipment these sites. Other evidence may provide identification of asbestos-containing materials and the manufacturers of such materials.	Plaintiff recalls working in the vicinity of others working with the following, including among others:	Computers: IBM, Compaq, Hewlett Packard Copiers: Savin, Lanier, Zerox Modems: JB Modems Computer Boards: Hazelteine boards	Computers: IBM, Compaq, Hewlett Packard Copiers: Savin, Lanier, Zerox Modems: JB Modems Computer Boards: Hazelteine boards

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Asbestos Related Jobsite & Address	Dates You Were at Jobsite	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
Bronx Development Center	1986	Bronx Development Center	1986	Carpenter/ Sheet Metal Worker	Plaintiff believes he was exposed to asbestos-containing products, including pipes, cement, insulation, wire and cable, while performing repair and renovation work at these sites.	Plaintiff believes he worked in the vicinity of asbestos-containing products, including pipes, cement, insulation, wire and cable, while performing repair and renovation work at these sites.	Plaintiff cannot presently identify all of the manufacturers of such products but states that he would have been exposed to all such products manufactured and used at the job site.	Plaintiff will further rely upon the testimony of co-workers and other evidence demonstrating the presence of various manufacturers' products at the job site during the time plaintiff believes he was exposed.	Plaintiff recalls the following: Armstrong, GAF, Georgia Pacific
Yeshiva University 182 nd St., NY, NY	1986	Yeshiva University 182 nd St., NY, NY	1986	Carpenter/ Sheet Metal Worker	See above	See above	See above	See above	See above. Also train equipment and friction products
MTA	Approx 1986	MTA Rail Yard Bronx, NY	Approx 1986	To be provided	See above. Also train equipment and friction products				

CHART A
JOBSITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Dates of Asbestos Related Jobsite & Address	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
Business Land, Inc., 2496 Rt. 22, Union, NJ	Approx 1987		Approx 1987	Technician	See above	See above		
Xerox Corporation, New York, NY	Approx. 1988 - 1996	Various offices throughout New York Including: Columbia Presbyterian Hospital, 168 th Street, NY, NY Harlem Hospital, 135 th Street, NY, NY Lenox Hill Hospital, NY, NY	Approx. 1988 - 1996	Field Engineer	See Savin above	See Savin above		
New Orleans Royal Hotel, New York, NY	Approx. 1998 - 2000	New Orleans Royal Hotel, New York, NY	Approx. 1998 - 2000	Maintenance Man	No Known Exposure	No Known Exposure		
Arashi Construction, Astoria, NY (NY Housing Authority)	Approx. June 2000 - Sept. 2000	Various construction sites throughout New York City	Approx. June 2000 - Sept. 2000	Construction Worker	No Known Exposure	No Known Exposure		

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

Name of Employer	Dates of Employment	Dates Asbestos Related Jobsite & Address	Job Duties	ACM ¹ Used Personally	Other ACM to Which You Were Exposed ²	Other Workers on Jobsite including supervisor	ACM identified by Such other workers	Other companies Using ACM at Jobsite
Wolf Installations, Hewlett, NY	Approx. Sept. 2000 - Dec. 2000	Various construction sites throughout New York City	Approx. Sept. 2000 - Dec. 2000	Mechanic	No Known Exposure	No Known Exposure		
New York City Housing Authority	Approx. April 2001 - Nov. 2001		Approx. April 2001 - Nov. 2001	Caretaker	No Known Exposure	No Known Exposure		
D.Z. Contractors, Long Island City, NY	Approx. January 2002 - February 2003		Approx. January 2002 - February 2003	Painter	No Known Exposure	No Known Exposure		
Gateway Builders, Brooklyn, NY	Approx. July 2003 - July 2004		Approx. July 2003 - July 2004	Laborer/ Mechanic	No Known Exposure	No Known Exposure		
Lemel & Wolff, Inc., New York, NY	Approx. January 2005 - July 2005		Approx. January 2005 - July 2005	Building Superintendent	No Known Exposure	No Known Exposure		
Bowery Residence, New York, NY	Approx. October 2005 - February 2008	Bowery Residence, (Cecil Ivory House) New York, NY	Approx. October 2005 - February 2008	Maintenance Supervisor	No Known Exposure	No Known Exposure		

1. ACM - Asbestos Containing Materials of Products.

CHART A
JOB SITE-SPECIFIC EXPOSURE HISTORY

Re: Ernesto Miranda

2. Identify brand and manufacturer names, if known.



St. Luke's - Roosevelt Hospital Center
1000 10th Avenue New York, NY 10019 P: (212) 523-8652 F: (212) 523-7232
Department Of Pathology and Laboratory Medicine

Patient: **MIRANDA, ERNESTO**

Med Rec No.: 100004572269 RVTH

Encounter No.: 105833629

Date of Birth: 1/21/1951 (56) / M

Physician: Cliff Connery, MD

BI-Att

1000 Tenth Ave.

Thoracic Surgery Dept, 2nd Flo

New York NY, 10019

Accession No.: **RS07-12369**

Obtained: 12/6/2007

Received: 12/6/2007

Reported: 12/12/2007 3:23:18 PM

Service:

Location: 10A

SURGICAL PATHOLOGY REPORT

TISSUE SUBMITTED: A. Right pleural biopsy (FS)
 B. Right pleural biopsy

FINAL DIAGNOSIS:

A, B. PLEURA, RIGHT; BIOPSY:

- Malignant mesothelioma.
- The tumor shows positivity for WT-1, calretinin and thrombomodulin, and is negative for TTF-1, mCEA, BerEp4, p63, CK7. This immunoprofile is consistent with mesothelioma.

Comment:

Case reviewed at intradepartmental conference and the above interpretation represents a consensus opinion.

These results were conveyed to Dr. Connery on December 12, 2007 and Dr. Cohen on December 13, 2007 via telephone.

CLINICAL HISTORY:

Possible malignancy. Right pleural effusion.

GROSS:

SPECIMEN A: Received fresh for frozen section labeled right pleural biopsy, are several pink-tan fragments of tissue, aggregating to 1.2 x 0.9 x 0.2 cm. The frozen section residue is entirely submitted in one cassette labeled A.

INTRAOPERATIVE CONSULTATION #1483: Right pleural biopsy: Malignant neoplasm; favor non-small cell carcinoma. **Agnes Colanta, M.D./Amber Ebrahim, M.D.**

SPECIMEN B: Received in formalin labeled right pleural biopsy, are three, irregular, tan-brown, soft fragments of tissue, aggregating to 1.3 x 1.1 x 0.3 cm. The specimen is entirely submitted in one cassette labeled B.

DS/dt 12/07/07

The electronic signature indicates that the named Attending Pathologist has evaluated the specimen referred to in the signed section of the report and formulated the diagnosis therein.

Electronically signed by Amber Ebrahim, M.D. 12/12/2007 3:23:18PM

AFFIDAVIT OF SERVICE

STATE OF NEW YORK)
)ss.:
COUNTY OF NEW YORK)

CORRINNE DONALDSON being duly sworn deposes and says she is an employee of Levy Phillips & Konigsberg, L.L.P., the attorneys for the plaintiffs herein, that she is over 18 years of age and is not a party to the within action, that on the 22nd day of May, 2008, a copy of **Plaintiffs' Answer To Defendants' Fourth Amended Standard Set Of Interrogatories And Request For Production Of Documents** on behalf of **Ernesto Miranda** was caused to be mailed via first class mail to:

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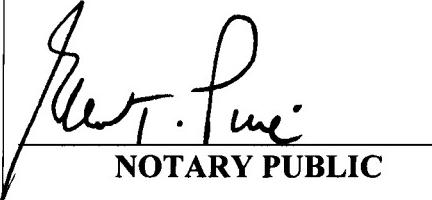
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by depositing a true copy of the same securely enclosed in a post-paid wrapper in the Post Office regularly maintained by the United States Government in said County of New York directed to said attorneys.



CORRINNE DONALDSON

Sworn to before me this
22nd day of May, 2008



NOTARY PUBLIC

ELLEN T. PINE
Commissioner of Deeds, City of N.Y.
No. 4-1544
Certificate Filed in New York County
Commission Expires November 1, 2009

EXHIBIT D

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SUPREME COURT: ALL COUNTIES
WITHIN THE STATE OF NEW YORK

IN RE: NEW YORK CITY :
ASBESTOS LITIGATION :
This Document Applies To: : DEPOSITION UPON
ERNESTO MIRANDA : ORAL EXAMINATION
: OF
: ERNESTO MIRANDA
: (VOLUME IV)
----- :

T R A N S C R I P T of the deposition of
ERNESTO MIRANDA, called for Oral Examination in the above
entitled action, said deposition being taken pursuant to
Rules governing Civil Practice in the Courts of New York,
by and before KERRY D. HALPERN, a Notary Public and
Shorthand Reporter of the State of New York, at the LAW
OFFICES OF LEVY, PHILLIPS & KONIGSBERG, L.L.P.,
800 Third Avenue, New York, New York 10022, on Tuesday,
June 17, 2008, commencing at 10:20 a.m.

Priority-One Court Reporting Services
25 Vreeland Road
Florham Park, New Jersey 07932
(718) 983-1234

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1 IT IS HEREBY STIPULATED AND AGREED
2 by and between the attorneys for the respective parties
3 hereto that filing, sealing and certification of the
4 within Examination Before Trial be waived; that all
5 objections, except as to form, are reserved to the time
6 of trial.

7 IT IS FURTHER STIPULATED AND AGREED
8 that the transcript may be signed before any Notary
9 Public with the same force and effect as if signed before
10 a Clerk or Judge of the Court.

11 IT IS FURTHER STIPULATED AND AGREED
12 that the within examination may be utilized for all
13 purposes as provided by the CPLR and Part 221 of the
14 Uniform Rules for the Conduct of Depositions.

15 IT IS FURTHER STIPULATED AND AGREED
16 that all rights provided to all parties by the CPLR shall
17 not be deemed waived and the appropriate sections of the
18 CPLR shall be controlling with respect thereto.

19 IT IS FURTHER STIPULATED AND AGREED by and
20 between the attorneys for the respective parties hereto
21 that a copy of this Examination shall be furnished,
22 without charge, to the attorney representing the witness
23 testifying herein.

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1 Q. What I want to do is, the area that we
2 have not talked about, Mr. Miranda, I am just going to go
3 over some of your Air Force work.

4 You indicated in P-1, you have given us
5 an amended list of planes that you worked on.

6 MR. DiMARCO: Objection.

7 A. Or I was around.

8 Q. At least this is the representation from
9 Mr. Timmins. I just want to go into this a little bit
10 because we've talked about certain planes and not about
11 others. And I want to get a little information from you.
12 I am just going to run down the list.

13 A. Yes, sir.

14 Q. Now, the various planes that we are
15 talking about are planes that you came in contact with or
16 saw during the time that you were in the Air Force?

17 A. Yes, sir.

18 Q. That would have been your four-year
19 period of time when you were in the Air Force reserves or
20 in training?

21 A. Yes, sir.

22 Q. That combination of the time?

23 A. Yes, sir.

24 Q. One of the planes that you have referred
25 to or that your counsel has referred to is a B-52.

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1 A. Yes, sir. Stratosphere B-52 big bomber.

2 Q. On how many occasions did you ever come
3 in contact with a B-52?

4 A. Just various times while we were at
5 Shepherd Air Force Base.

6 Q. This was during your training at
7 Shepherd Air Force Base?

8 A. Yes, sir.

9 Q. Do you know who manufactured the B-52?

10 A. I believe it's Boeing.

11 Q. And how many different B-52's did you
12 come in contact with at Shepherd Air Force brace?

13 A. Two planes.

14 Q. Were these planes based at Shepherd Air
15 Force Base or did they just fly in and leave?

16 A. I don't recall if they were based or
17 they flied in.

18 Q. Do you have a specific recollection as
19 to the number of the planes on the planes?

20 A. No.

21 Q. Any way of identifying the planes?

22 A. I can tell you what it has, eight
23 engines and so forth what the lane looks like.

24 Q. If I wanted to say to you, Mr. Miranda,
25 can you specifically identify the B-52's that you saw at

Page 721

1 Shepherd Air Force Base, you couldn't tell me, for
2 example, the tail number?

3 A. No, sir.

4 Q. Now, at the time that you were at
5 Shepherd Air Force Base, did you actually work on either
6 of those planes?

7 A. Can I retract myself?

8 One was stationed there and I believe
9 the other one probably came in.

10 Q. Fair enough.

11 So, you believe one of the planes was
12 based at Shepherd?

13 A. Right.

14 Q. And one plane just flew in?

15 A. Right.

16 Q. On how many occasions did you observe
17 either of these planes when you were at Shepherd Air
18 Force Base?

19 A. We had one plane that we will use for
20 training. That's the base one.

21 Q. You indicated that one plane was for
22 training.

23 Is this the plane that was based at
24 Shepherd?

25 A. Yes, sir.

Draft Copy

1 Q. And then there was another plane that
2 flew in?

3 A. Yes, sir.

4 Q. Did that plane that flew in come in on
5 one occasion or more than one occasion?

6 A. I recall one.

7 Q. As to the plane that flew in, did you
8 ever do any work on that one plane or did you just
9 observe it flying in and out?

10 A. We went to the plane. We did checkups
11 on it, the postflight, preflight, de-fuel, refuel,
12 basics.

13 Q. Did you do any particular maintenance or
14 just what you have already described for me on that one
15 particular -- again, it's just the one plane that flew in
16 and flew out?

17 A. Basic, that is it.

18 Q. As to the plane that was there, you
19 indicated that it was there for training purpose. You
20 used it for training purposes?

21 A. Teachers would bring us to this plane to
22 do work related.

23 Q. How many times did you do any work
24 related to that aircraft?

25 A. Basically, every time we went to see it.

1 Around eight, nine times while we were on the base.

2 Q. And of those eight or nine times that
3 you had contact with this B-52, what do you recall doing
4 with the plane?

5 A. We worked around the plane. On the
6 struts, wheels, inside the cargo, up by the flight area
7 where you have -- the area where there is the bathroom
8 kind of galley. You also have the engines. We worked on
9 them. The wings, tail, the bomb bay where they put
10 the bombs at. That's called the -- it's like the cargo
11 for the bombs. We also worked on the cockpit.

12 Q. Now, were you actually doing the work --

13 A. The bomb bay, sorry.

14 Q. Were you actually doing work at this
15 time or were you just being shown the various parts of
16 the B-52?

17 A. We removed parts, and we also were shown
18 parts, both.

19 Q. Was this a plane that was in active
20 service at the time?

21 A. I don't remember if it was active or
22 inactive. They would take us to it. Sometimes the plane
23 would be moved from that specific area it was.

24 Q. Was it on the flight line or in the
25 hangar?

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1 A. It was on a flight line.

2 Q. What exactly do you recall personally
3 doing on this B-52?

4 A. The seals. We worked on some parts of
5 the engine. They also will explain to us what parts did
6 and so forth on it. The fueling, you know, checking the
7 cargo bay, the doors for the bomb area, the "crab-like"
8 wheel assembly because that plane could move sideways.

9 Q. These are all things that you did on the
10 eight or nine times that you came in contact with this
11 B-52?

12 A. Some of them. I don't recall
13 everything.

14 Q. Do you associate any possible asbestos
15 exposure with the work that you did on the B-52?

16 A. We did work on the engines taking apart
17 certain components of the engine. I believe on -- I'm
18 sorry. I am drawing a blank for a moment. Possibly when
19 we were removing lines on the fittings area where you got
20 the washers. Also on the components that will be
21 attached to the engines themselves when we would remove
22 them just to check them and so forth. You had gaskets
23 and so forth. I believe from the gaskets themselves. A
24 lot of dust from the plane. Some brake work's that we
25 did. I don't recall exactly, you know, when we did this

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1 work.

2 Q. The gaskets that you were just talking
3 about in the engine area, would these be pliable gaskets?

4 A. I'm sorry?

5 Q. Were they pliable?

6 MR. TIMMINS: Do you
7 understand his question?

8 A. They were pliable, yes.

9 Q. Were they black in color?

10 A. They were black, rough type of gaskets.

11 Q. Okay.

12 And were these preformed gaskets,
13 meaning, they were an individual part that have a given
14 shape to it?

15 A. Yes, sir.

16 Q. Do you specifically recall doing any
17 brake work in connection with a B-52, you specifically,
18 hands-on brake work?

19 A. In the shop we did some work. I just
20 don't recall that plane. It was a training plane. One
21 or two days basically.

22 Q. When you say "one or two days," what do
23 you mean?

24 A. In the shop when we were at Shepherd
25 learning, we had to take parts out.
Draft Copy

1 Q. So, there were parts that had been
2 removed from the plane that were in the shop?

3 A. They had in this specific shop, they had
4 assemblies.

5 Q. That were already in the shop?

6 A. Yes, sir.

7 Q. Okay.

8 So, if I am correct, you didn't do any
9 brake work on a B-52 that was on the flight line?

10 A. No. We basically did cleaning and
11 support.

12 Q. Was that the majority of the work that
13 you did, cleaning and maintenance, general maintenance,
14 on the B-52?

15 A. Yes, sir.

16 Q. And this was, again, the eight or nine
17 times that you came in contact with it?

18 A. Yes, sir.

19 Q. Do you believe that you came in contact
20 with the B-52 brake assembly in the shop at some point?

21 A. Yes, sir.

22 Q. On how many occasions did that occur?

23 A. I don't recall. We will be in different
24 shops at certain times.

25 Q. Were you shown the brakes for

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1 illustrative purposes to give you an idea of what the
2 assemblies were like?

3 A. Shown and handled the parts.

4 Q. Did you actually repair that brake
5 assembly or you just handled parts on an assembly that
6 had been taken apart?

7 A. Take a work crew of five people. We
8 will be there. We will take the assembly apart. They
9 tell us what specific parts were. And another crew will
10 come in and do the same thing, but put it together and so
11 forth.

12 Q. On how many occasions did you handle a
13 B-52 brake assembly in the shop at Shepherd Air Force
14 Base?

15 A. I believe in that shop we were on and
16 off for about a week.

17 Q. So, during this period of a week, you
18 would have handled this brake assembly how many different
19 times?

20 A. Different types of brake's assemblies.

21 Q. What I am asking you, though, is how
22 many times you handled the B-52 brake assembly?

23 A. Oh, numerous times within that week, 40,
24 50 different times, I believe. Different parts and so
25 forth.

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1 Q. So, about -- you were in the shop area
2 that had B-52 brake assembly for one week during your
3 training.

4 A. Right.

5 Q. Is that correct?

6 A. Yes.

7 Q. And during that time, is it your
8 testimony that on 40 to 50 occasions during that week you
9 handled parts from the B-52 brake assembly?

10 A. Yeah. We would move from one shop table
11 to another shop table and see the parts, and handle them
12 and so forth.

13 Q. Fair enough.

14 Anything else that you associate with
15 work that you did on a B-52 that might have caused you to
16 be exposed to asbestos other than what you have already
17 told me?

18 A. We had to clean a lot, and sweep and
19 everything in the shops. A lot of dust came out, you
20 know. We ingested that dust.

21 Q. Now, the shops, the B-52 is not in the
22 shops, is it?

23 A. The full plane, no.

24 Q. I am talking about the plane itself --
25 let's go back to the plane itself on the flight line.


1 Anything that you associate with
2 asbestos on that plane out on the flight line?

3 A. Parts. I just wouldn't recall which.

4 Q. So, as we sit here, you can't tell me
5 anything more about that.

6 I am differentiating now from the shops.

7 A. Right.

8 Q. We will talk about that. The shops are
9 separate, okay?

10 A. Okay.

11 Q. The two B-52's, one of them you talked
12 about that came in one time and the other was
13 headquartered or stationed at Shepherd?

14 A. Correct.

15 Q. At any other time during your time in
16 the Air Force did you come into contact with a B-52?

17 A. I saw them at certain bases. I did not
18 work on them.

19 Q. Fair enough.

20 So, they might have been on a base where
21 you were during your two weeks or your weekend, but you
22 personally did not service that aircraft?

23 A. No, sir.

24 Q. Was there a specific shop at Shepherd
25 that dealt with B-52's or were the shops more dealing

1 with various components of planes in general?

2 A. Various components.

3 Q. So, for example, there might be a brake
4 shop?

5 A. Yes, sir.

6 Q. And is that what you are talking about
7 that you spent a week in the brake shop during your
8 training?

9 A. For the B-52. When we will go to
10 another type of plane, they would bring us to it when
11 they set up for that particular plane.

12 Q. The shop that you were talking about,
13 the brake shop, was that just for only B-52's or was
14 it --

15 A. No, brakes.

16 Q. It was a brake shop?

17 A. Yes.

18 Q. It was more of a generic, and they had
19 different kinds of brake products or parts for assemblies
20 in the shop?

21 A. Yes.

22 Q. Was the purpose of your being in that
23 shop for one week just to get a general knowledge of how
24 brake assemblies functioned and worked?

25 A. Correct.

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1 Q. Other than that one week, did you have
2 any other brake training in a shop at Shepherd?

3 A. For other planes, T-38's.

4 Q. Now, how many weeks did you spend in the
5 shop at Shepherd learning brakes?

6 A. On and off --

7 MR. TIMMINS: Just the B-52 or
8 other planes?

9 MR. BROMBERG: Just in
10 general.

11 A. In general, I don't recall exactly how
12 many times because we were in different shops.

13 Q. So, you can't tell me how much time you
14 spent learning brake assemblies in general at Shepherd?

15 A. No, sir. I was at various.

16 Q. So, we discussed the B-52, now. You
17 previously discussed the C-130. You've already discussed
18 with me the C-141.

19 The KC-135 who manufactured that plane?

20 A. I think that's Boeing too.

21 Q. Do you have a recollection of ever
22 working on that plane?

23 A. We were around it. I don't recall
24 exactly what type of work's I did on that one.

25 Q. Where would you have seen that plane?

1 A. On one of the base's flight line. I
2 just don't recall which one.

3 Q. And you have no specific recollection of
4 working on the plane?

5 A. We worked on it. I just don't recall
6 what exactly I did.

7 Q. Would this have been one time that you
8 worked on the plane?

9 A. A weekend.

10 Q. One weekend?

11 A. Yes.

12 Q. There was a KC-135 at a base that you
13 were at one weekend. And if I am correct, you recall
14 doing some work on the plane, but you can't tell me
15 anything more specific?

16 A. No.

17 Q. Can you recall the base?

18 A. No, sir.

19 Q. We have talked about the KC-130.

20 Do you recall -- another plane you have
21 listed is the F-111.

22 A. Yes.

23 Q. What do you recall about that plane?

24 A. That's a mid-size bomber fighter. I
25 believe it is called the Phantom.